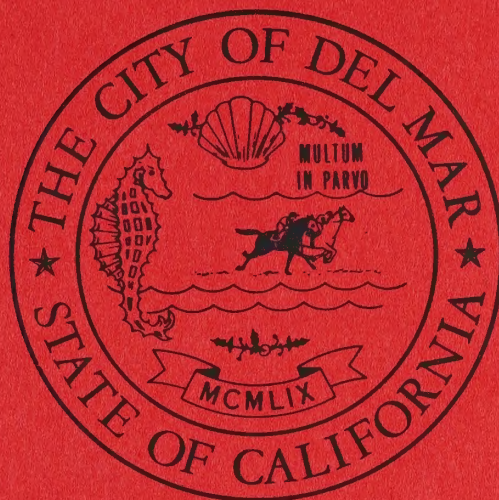


City of Del Mar
Local Coastal Program

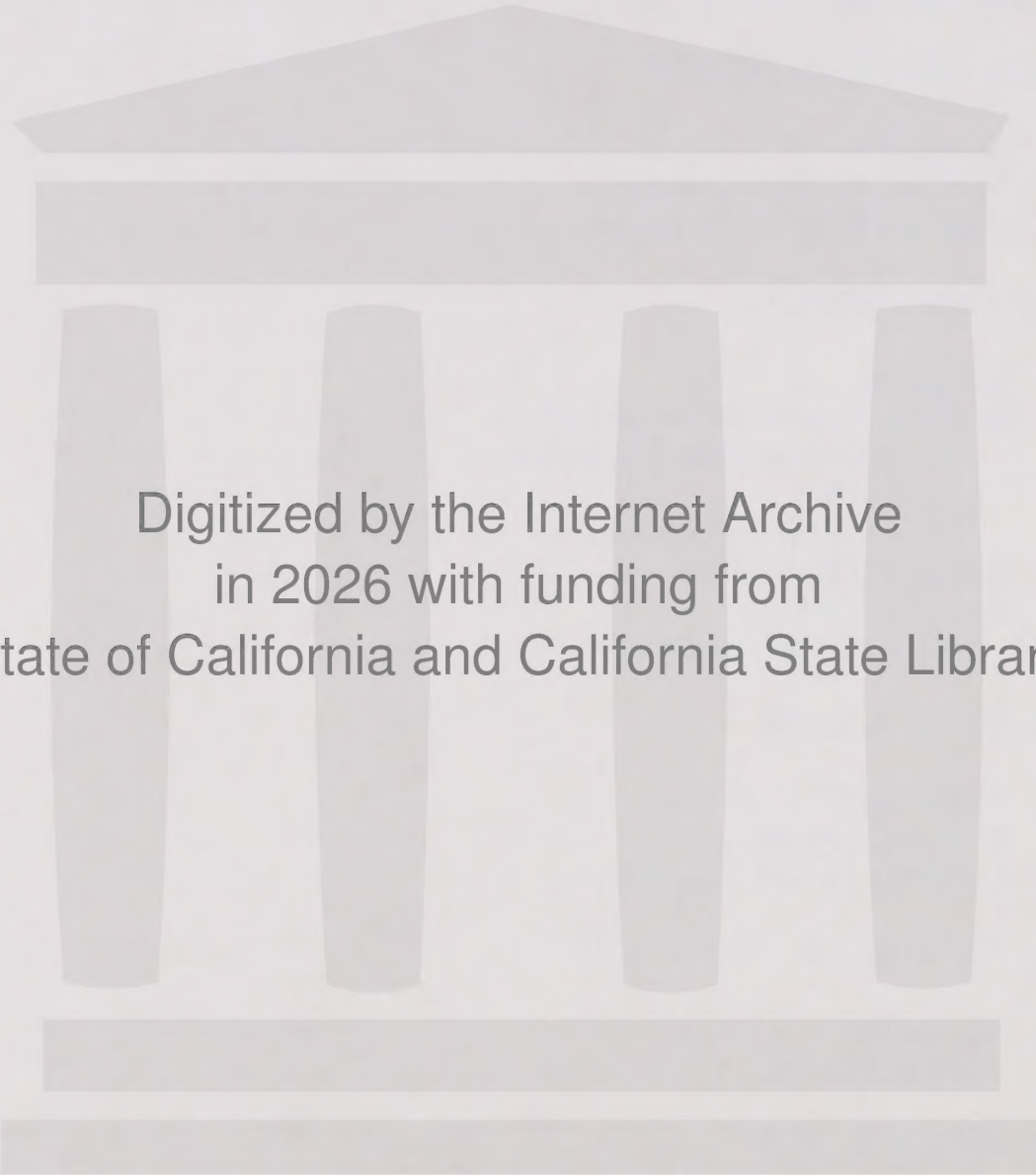


LAND USE PLAN

Certified by the
California Coastal Commission
March 18, 1993

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NOTES:

- 1) Larger scale copies of most of the Land Use Plan Figures are available for review at Del Mar City Hall offices.
- 2) Many of the figures and exhibits within this Land Use Plan show lot lines of individual properties within the City. Every attempt has been made to show the lot lines in an accurate fashion. However, the indication of lot lines is intended to aid in the general location of properties relative to the various zone and district boundaries rather than to serve as a legal record of property lines. For those beachfront properties located between Powerhouse Park and the mouth of the San Dieguito Lagoon where the mean high tide line serves as the western property line, the mean high tide line has been shown coterminous with the Shoreline Protection Area line of the Beach Preservation Initiative which is generally consistent with the provisions of the State Land Commission determination and with the opinion rendered in the case of Lang vs. Del Mar. The actual location of the mean high tide line is subject to adjudication and/or boundary agreement with the State lands Commission on a lot by lot basis.

APPENDICES

- A California Coastal Act - Chapter 3 Policies
- B San Dieguito Lagoon Resource Enhancement Program
- C Carmel Valley Precise Plan
- D Open Space Objectives of the Del Mar Community Plan
- E Downtown Overlay Zone Ordinance
- F Beach Preservation Initiative Guidelines

CHAPTER I - INTRODUCTION

This document comprises the "Land Use Plan" portion of the Local Coastal Program for the City of Del Mar. The Land Use Plan is a compilation of the goals, policies and recommendations identified in the Del Mar Community Plan, various policy reports, the San Dieguito Lagoon Enhancement Program, as well as other goals and policies adopted by the City Council to guide future development within Del Mar.

A. PURPOSE

The purpose of the goals, policies and recommended programs presented in this Land Use Plan is to ensure that all land use and development activities within the City of Del Mar will be in conformance with the policies of the California Coastal Act of 1976, as amended. This Land Use Plan will be implemented and enforced by the City of Del Mar through the procedures set forth within this document and the City of Del Mar Municipal Code.

This Land Use Plan was certified by the Coastal Commission on March 18, 1993. Following certification of the corresponding Implementing Ordinances, the City will assume authority for the processing of Coastal Development Permits for most projects within Del Mar. Even after certification, the Coastal Commission will retain authority for processing coastal development permits for projects in areas known as "original jurisdiction". Original jurisdiction areas are generally those lands which are subject to tidal action or claims of public trust. The processing of such permits shall be consistent with the procedures set forth in the California Coastal Act.

B. HISTORY/LEGAL AUTHORITY

In 1972, California voters approved Proposition 20, which established the California Coastal Zone Conservation Act. This Act called for the development of a statewide California Coastal Plan. The Plan was required to include a number of different elements regarding development of the coastline, the preservation of natural and visual resources, and the maximizing of the physical use and enjoyment of the coastal zone by the public. The plan, entitled The California Coastal Plan, was completed in 1975. A subsequent California Coastal Act was adopted by the State Legislature in 1976. The "Act" established a State Coastal Commission and a number of Regional Coastal

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Commissions to oversee the long-range planning and development of coastal areas. The Commissions were also assigned the responsibility to participate in the review of projects proposed during the preparation of long-range planning documents.

The Coastal Act requires each local jurisdiction along the length of California's coastline to prepare, and submit for State certification, a Local Coastal Program (LCP) for that portion of its area located within a specified Coastal Zone. Figure I-A shows the regional location of the City of Del Mar, as well as the Coastal Zone Boundary. As can be seen in this exhibit, the entirety of the City of Del Mar is located within the State's Coastal Zone.

The Local Coastal Program is to consist of two parts. The first is this Land Use Plan composed of goals and regulatory policies. The second is a set of Implementing Ordinances to carry out the policies of the Land Use Plan.

Chapter 3 of the Coastal Act is entitled "Coastal Resource Planning and Management Policies". The policies of this chapter serve as the standards for the review and certification of the Land Use Plan portion of Local Coastal Programs. The Chapter 3 policies of the Coastal Act are attached as Appendix "A" of this document.

This Land Use Plan is comprised of various component chapters and appendices. Following this introductory chapter, the Land Use Development chapter identifies the makeup of the community and contains policies intended to preserve the existing character of the City and its environs. Chapter II also contains the underlying land use designations for all property within the City. The land use designations are shown on Figure II-A, the Land Use Map. The pages of Figure II-A also list the allowed uses for each of the land use designations.

Chapter III identifies the hazardous conditions in Del Mar, including: coastal bluff failures, shoreline storm water damage, flooding, and runoff and slope erosion. The Chapter also includes regulatory policies intended to minimize such hazards. The purpose of Chapter IV, the public access component of this Land Use Plan, is to ensure that the general public's opportunity to get to and enjoy the City's considerable coastal recreational resources is protected. Chapter V identifies recreation areas within and around the City and contains policies for improving recreational opportunities. Chapter VI is entitled Sensitive Lands and contains the policies intended to assure that the sensitive wetland and hillside habitat areas within the City are preserved and, where feasible, enhanced.

CHAPTER II - LAND USE DEVELOPMENT

A. BACKGROUND

Land in Del Mar, as in communities all over America, is a resource of great and increasing value. Relentless demands for housing, commercial enterprise, civic improvement, open space, and transportation are putting unprecedented pressures on local governments to better manage land use within their communities.

A broad-based concern for proper land use is especially important for Del Mar. While the community serves as a coastal recreational resource of region-wide importance, it is constrained by physical limitations. The small-town qualities of seaside communities like Del Mar attract visitors from all over California and states beyond. Conversely, it should be recognized that the number of people who enjoy and use the community is far larger than that of the population of the community itself. This is especially true with the increase in intensity of use of the 22nd District Agricultural Association (Del Mar Fairgrounds). The City's popularity as a place to visit places a strain on the City's natural and man-made resources. These factors are accompanied by an increase in residential and commercial development in the neighboring jurisdictions of the City and County of San Diego and the City of Solana Beach. While much of this development has occurred just beyond the reach of the City limits, the growth places a burden on the City's traffic routes and infrastructure in general.

The City of Del Mar is approximately two miles long and three quarters of a mile wide at its widest point. It contains roughly 2,000 separate, assessed parcels of property and has a population level which has remained fairly constant at 5,000 persons. Originally, Del Mar was developed as a community of predominantly single-family homes. Over the years, a considerable number of multiple family housing units have been built within the City. The City is largely "built out", with a relatively small amount of vacant land remaining. Much of the current development activity within the City involves redevelopment projects and new projects on the City's few vacant properties. These vacant areas often involve difficult and physically constrained lands.

The City of Del Mar is unique in that it is surrounded on almost all sides by significant natural landforms and resources. The most notable is the Pacific Ocean to the west. San Dieguito Lagoon, and its associated floodplain and upland hillside areas wrap around much of the City's northern and eastern boundaries. This includes the area of Crest Canyon, which serves as a major drainage course within the watershed of San

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Dieguito Lagoon. To the south, the wetlands of Penasquitos Lagoon separate Del Mar from developed areas within the City of San Diego.

It is clear that attempts to protect and restore community values and resources by regulating land use is justified on legal and historic grounds. These grounds include, among others, protection of the natural environment; the legal rights of property ownership; common law; prescriptive public rights; and protection of the public health, safety and welfare. It is the intent of the residents and property owners in Del Mar to develop land use regulations which meet the goals and responsibilities of the community as a whole.

Central to this Land Use Plan is the principle that the interests of the community at large should be steadfastly protected within the framework of the essential rights of individual residents and property owners, those doing business in the community and visitors to the area. In the process of implementing this plan, various kinds of conflicts are likely to arise. These include disagreements between private and public interests; between diverse private interests; and between the needs of those who primarily regard property in the City as a place for living and working, and those who regard it as a commodity by which to profit. It is intended that such conflicts be resolved on the basis of comprehensive and long-term principles. Under no circumstances should decisions be specifically directed to benefit any individuals of the community without regard to, or at the expense of, other members of the community or the public at large. At the same time, it is recognized that by being sensitive to individual rights, the greatest number of individuals can be assured the highest quality of life in Del Mar.

It is also important to note that the preservation of the City's natural resources is of paramount concern to Del Mar. It is, therefore, the City's position that where there is a conflict between policies in this Land Use Plan, that the most restrictive, in terms of natural resource protection, shall apply.

B. LAND USE DEVELOPMENT GOALS AND POLICIES - GENERAL

The following goals and policies are intended to regulate development activities throughout the City. The policies are to be applied in concert with the Land Use Map (Figure II-A), the land use development policies for specific geographic areas and the policies contained within subsequent chapters of this document.

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GOAL II-A:

Preserve and enhance Del Mar's small town atmosphere with its harmonious blending of architecture, landscape and natural landforms in proximity to a beautiful shoreline.

Policies:

- II-1 Maintain the existing small-scale character of the community and permit only one-and two-story, low intensity development with a maximum allowable height of 26 feet.
- II-2 Insure that future development, whether commercial or residential, retains the aesthetic quality of the community by protecting and preserving public views to the ocean and other significant natural resources; and by minimizing the disturbance of natural topography and vegetation.
- II-3 Establish controls to prevent office development which is incompatible with the existing residential and visitor-serving character of the community.
- II-4 In order to preserve the small-town scenic qualities of Del Mar; to preserve scenic views and open space; to protect against traffic impacts that would be adverse to both local residents and visitors to the community; and to preserve an appropriate level of residential serving businesses within the community, the City shall continue to implement the Downtown Overlay Zone Ordinance (Measure B) as it applies to properties designated as CC (Central Commercial) on the Land Use Map (Figure II-A). The provisions of the Downtown Overlay Zone Ordinance are included as Appendix F of this Land Use Plan and are incorporated by reference.

GOAL II-B:

Focus major retail and office activity into an economically viable, pedestrian-oriented area that serves the needs of both residents and visitors.

Policies:

- II-5 Encourage resident-oriented businesses which serve the cultural, recreational and material needs of the local community.

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- II-6 Encourage visitor-serving and recreation-oriented businesses that blend harmoniously with the traditional small-town character of the community.
- II-7 Locate visitor-serving facilities, including public and private developments that provide food, services, shopping and amusement, within easy walking distance of visitor lodging. Focus beach oriented commercial/recreational activities within easy walking distance of the beach, other park areas and public transportation facilities.
- II-8 Retain a pedestrian-oriented downtown which groups retail services with facilities for civic and community activities.
- II-9 Maintain the existing architectural design and low-mass scale of development within the downtown area that is in keeping with the traditional small-town character of the community.
- II-10 Encourage the development of a precise plan for the publicly owned spaces within the downtown area that includes: a comprehensive circulation and parking element for the Camino del Mar area; and landscape and architectural design guidelines.

GOAL II-C:

Preserve the economic integrity of the community.

Policies:

- II-11 Promote those uses of the City's commercial areas which will be of greatest economic benefit to the community while insuring compatibility with all other goals and objectives of the City's Community Plan and this document.
- II-12 The provisions of this Land Use Plan shall not apply to the rebuilding of legal non-conforming structures which are destroyed by disaster, acts of God or other forces beyond the control of the property owner. However, a building(s) reconstructed pursuant to this policy shall be sited in the same location on the property as the destroyed structure; and shall not exceed in square footage, height, bulk or intensity of use that of the pre-existing structure. Further, this policy shall not supercede the provisions of the Del Mar Municipal Code.

II-13 The City of Del Mar recognizes the national need for the responsible exploration, recovery and production of the country's energy resources, including petroleum products. The City of Del Mar also recognizes the corresponding need to devote certain of the State of California's on-shore and off-shore resources towards the exploration, recovery and processing of its petroleum resources. However, the City also recognizes the potential adverse impacts such activities can have on sensitive land and marine resources, on the scenic quality of the coastline and on the attractiveness and usefulness of coastal areas as visitor-destination areas.

Therefore, the City finds that in order to minimize the adverse impacts to the State's environmental, scenic and economic resources, that on and off-shore petroleum product exploration recovery and processing should be concentrated in, and limited to, the geographic areas of the State which now accommodate these uses and activities. Consistent with this policy, the City shall prohibit on-shore petroleum production and production related uses within its boundaries and shall discourage the use of off-shore areas west of Del Mar and of San Diego County in general, for the exploration, recovery or production of petroleum products.

C. LAND USE DEVELOPMENT GOALS AND POLICIES- BY DISTRICT

The City of Del Mar is comprised of residential areas with several commercial areas interspersed. The majority of the City's commercial uses are focused along Camino del Mar between Paseo de las Flores to the north and 9th Street to the south.

The following descriptions and policies have been grouped in relation to the individual districts within the City. These separate districts and their respective boundaries are illustrated on Figure II-B. Figure II-A contains the specific land use designations assigned to property throughout the City and a corresponding identification of the activities and uses allowed in each of the land use designations.

The following policies for specific geographic areas (districts) shall be implemented in concert with the Land Use Designation Map and the general development policies cited above in Section II-B. While the numbered sections below include descriptions of the general boundaries of separate land use designation areas, the Land Use Map (Figure II-A) should be consulted for a determination of boundary lines.

1. North Bluff District:

The land use designations in this district include a City-owned natural preserve (James Scripps Bluff Preserve) in the southern portion of the district designated as Public Parkland (PP), a small Beach Commercial (BC) area to the west of and adjacent to the AT & SF railroad right-of-way, and an area along the mouth of the San Dieguito Lagoon designated as Floodway (FW). A portion of the area designated as Floodway is owned by the 22nd District Agricultural Association. The remainder of the North Bluff district is designated for a mixture of residential uses, including: an area of R1-40 (Very Low Density) which allows for low density development at a maximum of 1 dwelling unit per acre (du/ac) and an area of R1-14 (Modified Low Density) which allows residential development at a maximum density of 3.1 du/ac. Much of the residential area described above lies atop coastal bluffs which are protected under Chapter III of this Land Use Plan entitled "Hazard Control". Development activity in this district shall be consistent with all policies of this Land Use Plan including those policies cited in Chapters III, IV and VI regarding minimizing of hazards; the provision of public access opportunities; and the protection and enhancement of sensitive resources.

2. Valley District:

This district is also located in the northern section of the City and includes the San Dieguito River and Lagoon area, the majority of which is designated as Floodway (FW). It also contains an area designated as North Commercial (NC). Any future use in this district shall be consistent with this Land Use Plan. When reviewing development proposals, special attention shall be given to the preservation of sensitive wetland habitat and its immediate uplands, and protection against and avoidance of seismic and flooding hazards.

Most of the property which comprises the 22nd District Agricultural Association lies within the overall boundaries of the Valley District. However, it is given its own separate designation on the Land Use Map and is assigned the corresponding land use policies in Section #3 below.

3. 22nd District Agricultural Association:

The majority of the 22nd District Agricultural Association lies within the corporate limits of the City of Del Mar. Almost all of the lands are within either the floodway or 100-year floodplain of the San Dieguito River/Lagoon. Many areas of the property are comprised of wetland habitat.

The 22nd District Agricultural Association is an independent agency of the State of California which operates this area commonly referred to as "the Fairgrounds". Pursuant to the policies of the California Coastal Act, the 22nd District Agricultural Association is responsible for the preparation of a Public Works Plan, a land use document for the Fairgrounds site. Until such time as a Public Works Plan for the District is prepared and certified, land use development within the District's property is subject to review on a case by case basis by the California Coastal Commission.

The Coastal Commission's review of a Public Works Plan for the Fairgrounds would be based on the Plan's consistency with the policies of the Coastal Act. In addition to the policies of the Coastal Act, all development would be reviewed for consistency with the provisions of this Land Use Plan, once certified, and the attached San Dieguito Lagoon Resource Enhancement Program. After the City's complete local coastal program is certified, the City would be consulted and asked to recommend any modifications to a draft Public Works Plan it deemed necessary to ensure implementation of its local coastal program.

4. North Beach District:

This district is comprised of lands designated as Public Parkland (PP), Floodway (FW), Visitor Commercial (VC), Beach Commercial (BC), and a variety of residential uses. The public tennis facilities located south of 21st Street and west of the railroad tracks are designated PP, as is the area of beach extending south from 29th Street to 18th Street. The northerly extension of Seagrove Park and Powerhouse Park are located within this district and are also designated PP. Figure V-A shows the general location of these and other park areas within the City. The areas north of Powerhouse Park on both the east and west sides of Coast Boulevard are designated as Beach Commercial. This designation allows for the development of restaurants, outdoor recreation facilities and sales and rental shops which provide beach related equipment such as surfing, fishing and diving gear. A small area located to the north of the Beach Commercial area on the west side of Coast Boulevard is designated as Visitor Commercial. This

designation allows hotels, motels and boarding houses. The sites of the BC and VC designations are currently developed with restaurants, a motel, a pay parking lot and the Del Mar depot of the AT&SF Railroad.

The remaining, residentially designated areas of the North Beach district, are located as follows:

That portion of the district located west of Camino del Mar and north of 29th Street is designated as R1-10B (Low Density-Beach) which allows a maximum density of 4.3 du/ac. The area south of 29th Street and west of Camino del Mar is designated for R1-5B (Medium Density Single Family-Beach) which allows development at a maximum density of 8.7 du/ac. Each of these designations is intended to preserve the existing character of development and discourage the intensification of residential development with attendant traffic and parking impacts in this near-beach area.

An additional area west of Camino del Mar south of the intersection of Coast Boulevard and Camino del Mar is designated as RM-West (Medium Density Mixed-West) with a maximum allowable density of 8.8 du/ac. The area east of Camino del Mar north of the public tennis courts is designated as RM East (Medium Density Mixed-East) with a maximum density of 8.7 du/ac. As with the RM-West designation, duplex development may be conditionally allowed in this area where a substantial number of two-family dwellings already exist. This creates a density of 17.4 du/ac when allowed with the receipt of a Conditional Use Permit.

5. South Beach District:

The South Beach district contains a portion of Seagrove Park which is designated as PP (Public Parkland). The site of the Del Mar Shores School and Del Mar Unified School District offices is designated as PF (Public Facilities). To the south of the school site, the area along the west side of Camino del Mar is designated for VC (Visitor Commercial) with the same restrictions on use as described for the VC designation in the North Beach District. The remainder of the South Beach District is designated for residential uses as follows:

That portion of the district bounded by 15th Street on the north, 9th Street on the south, the AT & SF Railway right-of-way on the west and the Village Center District on the east is designated for R2 (High Density) at a maximum density of 12.5 du/ac. A one block area to the east is designated for RC (Residential Commercial) which allows a mix of residential and commercial uses on each site,

provided that no more than 40% of the floor area on site is devoted to commercial uses. Further to the south, the area is designated as RMS (Medium Density Multiple-South) which allows a maximum density of 10.9 du/ac. While the district does allow the development of higher density residential projects, the approval of such projects shall be granted only when they are found to be consistent with the general and specific policies of this Land Use Plan. These policies are intended to minimize traffic and parking impacts associated with such development and to ensure that those higher density projects are aesthetically pleasing.

6. South Bluff District:

Most of this area is designated as R1-40 (Very Low Density) with a maximum density of 1 du/ac. The area south of Carmel Valley Road is designated for R1-14 (Modified Low Density) and BC (Beach Commercial). The area designated as Beach Commercial is comprised of a single property adjacent to the wetlands of the Los Penasquitos Lagoon. It contains sensitive wetland and hillside habitat and a small area of riparian vegetation. The site was recently acquired by the State Department of Parks and Recreation. The acquisition effort was aimed at preserving the unique visual and sensitive resources associated with the site. With the public acquisition of the property, the area has been assigned a land use designation reflecting public ownership. The same holds true for other areas within the District, the City owned Ahmanson Bluff Preserve, the Del Mar Canyon Reserve and the northern portion of the Torrey Pines State Reserve each of which is assigned a designation of PP on the Land Use Map. Because of the sensitivity of the areas within this district designated as PP and R1-14, and the proximity of the adjacent Los Penasquitos Lagoon environment, any development proposed for the properties within these designated areas shall be subject to the provisions of Chapter VI of this Land Use Plan, entitled "Sensitive Lands".

7. South Hills District:

The majority of this district is designated as R1-10 (Low Density). The district also includes the area of the Carmel Valley Precise Plan which regulates land use activities within a defined area, as shown on the Land Use Map (Figure II-A). The Carmel Valley Precise Plan has been incorporated into this document as Appendix C.

8. North Hills District:

The majority of this district is designated for single-family residential development. The District also contains a small area designated as R2 with the same restrictions for such use as described in the South Beach District. The central portion of this district, as shown on Figure II-A, is designated for R1-10 (Low Density) with a maximum allowable density of 4.3 du/ac. Any future development within this area shall be compatible and harmonious with the existing character of this single family-residential neighborhood.

A large portion within this district is located on steep hillside areas above the San Dieguito Lagoon and its watershed. This area is designated for larger lot single family development at R1-40 (Very Low 1 du/ac). Much of the area is also within the Bluff, Slope and Canyon Overlay Zone. Accordingly, development within this area shall be designed to minimize the disruption of topography and to preserve the open space character of these highly visible and sensitive areas. All development shall be consistent with the Bluff, Slope and Canyon and Open Space Policies of this Land Use Plan, where applicable. Some of the area now assigned the designation of R1-40 has been acquired by public interests. The public acquisition of these areas, as shown on Figure V-A, may warrant the future reassignment of a corresponding land use designation.

That area within the district immediately adjacent to the Village Center District is designated as RM-Central (Medium Density Mixed-Central) where residential uses are allowed at a maximum density of 6.3 du/ac. This designation also allows for duplex development on parcels greater than 5,000 square feet with the receipt of a Conditional Use Permit.

The district also contains two commercially designated areas, one located near Camino del Mar, south of 9th Street (Professional Commercial-PC) and one in the northern portion of the district adjacent to Jimmy Durante Boulevard (North Commercial-NC). Because of its proximity to the adjacent wetlands and flood-prone areas of the San Dieguito River/Lagoon, development in the North Commercial area shall be carefully reviewed for its consistency with the provisions of Chapters III and VI of this Land Use Plan regarding the minimizing of hazards and the preservation of sensitive lands. Much of the northern section of this district also lies within the plan area of the San Dieguito River Valley Regional Open Space Park. All development proposals shall be reviewed for their consistency with the provisions of the San Dieguito River Valley Regional Open Space Park Plan.

9. Village Center District

This area is designated primarily as Central Commercial (CC) and is Del Mar's principal commercial, visitor serving and professional area. It extends along both sides of Camino del Mar, beginning at 9th Street and reaching north to 15th Street. The District contains the site of the U.S. Post Office designated as PF (Public Facilities) on the Land Use Map. Two specific plan areas are also included in the Village District and are located on the west and east sides of Camino del Mar in the vicinity of 15th Street. The Specific Plan for the Del Mar Hotel, (HSP west side of Camino del Mar) limits the uses on the site to a hotel, timeshare units and associated retail uses. The Specific Plan for the Del Mar Plaza, (PSP east side of Camino del Mar) limits the uses on site to restaurant and retail uses with a small percentage allowed for office use. Each of the Specific Plan areas devotes a portion of the property to public and quasi-public use. Each of these specific plans was voter approved and is accompanied by a recorded Development Agreement between the City and the developer/property owner. Where a particular conflict arises between the provisions of a valid and recorded Development Agreement and the policies of this Land Use Plan, the former shall continue to be binding and shall supersede the policies of this Land Use Plan. Subsequent development agreements or amendments to existing Development Agreements shall be consistent with this Land Use Plan.

The CC (Central Commercial) designation encompasses the majority of land within the Village District. The CC designation allows for a variety of commercial uses aimed at serving the needs of both residents and visitors to the area. Due to the City's popularity as a visitor-destination point, the majority of the property in the CC Zone has been developed with uses that serve both residents and visitors.

The remaining areas of the district are designated as R2 (High Density) with a maximum allowable density of 12.5 du/ac. The site of the existing City Hall offices, the City of Del Mar's branch of the County of San Diego Library and the Del Mar Communications Center is designated as Public Facilities (PF).

In order to facilitate the demand for more goods and services, the following policies have been developed to better utilize the commercially designated land in the Village Center District.

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- a. In the Village Center District, small individually owned commercial shops shall be encouraged through the implementation of the Downtown Overlay Zone Ordinance. This ordinance requires a specific plan or plans for every development or redevelopment within the Central Commercial Zone on a parcel or adjacent parcels under the ownership or control of the same applicant where the parcel or parcels taken together contain at least 25,000 square feet and where such project involves 11,500 square feet or more of floor area. The provisions of the Downtown Overlay Zone Ordinance are included in Appendix E and are incorporated by reference.
- b. In the Village Center District, large single purpose businesses, and businesses catering to an automotive public (drive-through banks, drive-through food stands, etc.) shall be discouraged.
- c. In the Village Center District, building designs which incorporate a unique and small-town character shall be encouraged and building designs which are based on a corporate identity or logo shall be discouraged.
- d. In the Village Center District, retail enterprises whose primary purposes are to satisfy the needs of the community and enhance the quality and convenience of life in Del Mar shall be encouraged.
- e. In the Central Commercial portion of the Village Center District, retail uses shall be encouraged over office uses for floor area located at the street level of structures fronting Camino del Mar.
- f. While some office space is desirable, it shall be concentrated in the southern portion of the Village Center District.
- g. In addition to a variety of commercial businesses, the Village Center District should have a Community Center, complete with Council Chambers, City Hall, Library and Communications Center; attractive walkways, and a variety of open spaces such as courts and landscaped areas.
- h. Pedestrian-oriented streetscape which promotes social interaction, pedestrian use and a strong community identity shall be encouraged in the Village Center District.
- i. In the Village Center District, structures shall be in keeping with the pedestrian scale and village character of the community.

- j. In the Village Center District, structures shall be of an architectural style which retains a low scale intensity of development, utilizes designs which preserve ocean views, and promotes an open space small-town atmosphere.

10. Railroad Right of Way (RR):

The AT & SF Railway right of way runs north/south through the City and several of the individual districts described above. The uses allowed in the RR designation are rail transportation facilities and associated structures with the receipt of a Conditional Use Permit.

The existence of the open rail corridor provides the opportunity for expansive views from areas to the east and maintains a continuous open space strip through the City. In the event that the rail transportation route is modified or rerouted to a different location, the existing right of way should be reassigned with a land use designation which reflects the existing open space character of the right of way.

The RR area runs adjacent to and through a number of sensitive resources including coastal bluff areas and wetlands. All new development and expansion of existing facilities within the RR designation shall be consistent with policies of this Land Use Plan.

RC
RM-CENTRAL

RR
R1-5

Residential Designations

R1-40	Very Low Density
R1-14	Modified Low Density
R1-10	Low Density
R1-10B	Low Density-Beach
R1-5	Medium Density Single Family
R1-5B	Medium Density Single Family-Beach
RM-East	Medium Density Mixed-East
RM-West	Medium Density Mixed-West
RM-Central	Medium Density Mixed-Central
RM-South	Medium Density Mixed-South
R-2	High Density
CVPP	Carmel Valley Precise Plan

Commercial Designations

RC	Residential-Commercial
CC	Central Commercial
BC	Beach Commercial
PC	Professional Commercial
NC	North Commercial
VC	Visitor Commercial

Miscellaneous Designations

PSP	Plaza Specific Plan
HSP	Hotel Specific Plan
FR	Fairgrounds-Racetrack
RR	Railroad Right-of-Way
FW	Floodway
PP	Public Parkland
PF	Public Facilities

LAND USE MAP

City of Del Mar

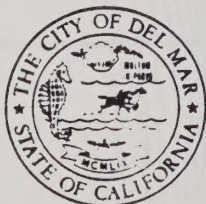


Figure II-A Land Use Map (Cont.)

LAND USE DESIGNATIONS/ALLOWED USES

R1-40	Single Family Residences at a density of 1 dwelling unit/net ac.
R1-14	Single Family Residences at a density up to 3.1 d.u./net ac.
R1-10	Single Family Residences at a density up to 4.3 d.u./net ac.
R1-10B	Single Family Residences at a density up to 4.3 d.u./net ac.
R1-5	Single Family Residences at a density up to 8.7 d.u./net ac.
R1-5B	Single Family Residences at a density up to 8.7 d.u./net ac.
RM-East	Single Family, Duplex and Clustered* Residences at a density up to 8.8-17.5* d.u./net ac. Day Nurseries*, Care Centers*
RM-West	Single Family, Duplex* and Clustered* Residences at a density up to 8.8-17.6* d.u./net ac. Day Nurseries*, Care Centers*
RM-Central	Single Family, Duplex* and Clustered* Residences at a density up to 6.3-12.5* d.u./net ac. Churches*, Day Nurseries*, Care Centers*
RM-South	Single Family, Duplex and Multiple Family Dwellings at a density of 10.9-12.5* d.u./net ac. Boarding houses, Resthomes, Fraternity houses.
R-2	Single Family, Duplex and Clustered* Residences at a density up to 8.8-12.5 d.u./net ac. Day Nurseries*, Care Centers*
RC	Allowed uses in R-2 Zone (at least 60% of floor area on site). Allowed uses in CC Zone (no more than 40% of floor area on site).
CVPP	Uses as allowed per Carmel Valley Precise Plan with floor area ratios and design constraints contained therein.

LAND USE DESIGNATIONS/ALLOWED USES

CC	Retailing of goods and dispensing of services, (exclusive of drive-through). Shops, Delis, Restaurants, Cafes, Florists, Hardware, Offices, Financial institutions, Pharmacies, Gasoline service stations*, Bars*, Cocktail lounges*, Theatres*, Vet clinics*, Hotels/Motels*.
BC	Retailing, renting or dispensing of services, (exclusive of drive-through). Beach equipment rental, Outdoor recreational facilities, Cafes, Restaurants. Any principal use in CC Zone*.
NC	Repair shops, Blueprinting, Manufacturing, Restaurants, Art and Technical studios, Offices, Warehouses. Gasoline service stations*, Bars*, Cocktail lounges*, Theatres*, Hotel/Motel*, Vet clinics*, Kennels*, Refuse recycling centers*.
PC	Offices; professional, medical, dental; banks and financial institutions (exclusive of drive through); Parking lots, Parking garages.
VC	Hotels, Motels, Boarding houses and Lodging houses.
FR	Regulated by 22nd Agricultural District.
RR	Railroad facilities, related structures*.
FW	(No permanent structures) Aviaries, open crops, Aquaculture, Open recreational uses.
PP	Public parks, beaches, Playgrounds, Ecological preserves.
PF	Public schools; City, County, State and Federal buildings; Utility structures.

* provided a Conditional Use Permit has first been obtained and is in full force and effect.

HSP Uses as allowed per the Hotel Specific Plan

PSP Uses as allowed per the Plaza Specific Plan

VILLAGE
CENTER

Pacific
Ocean

SOUTH
BEACH

NORTH
HILLS

SOUTH
HILLS

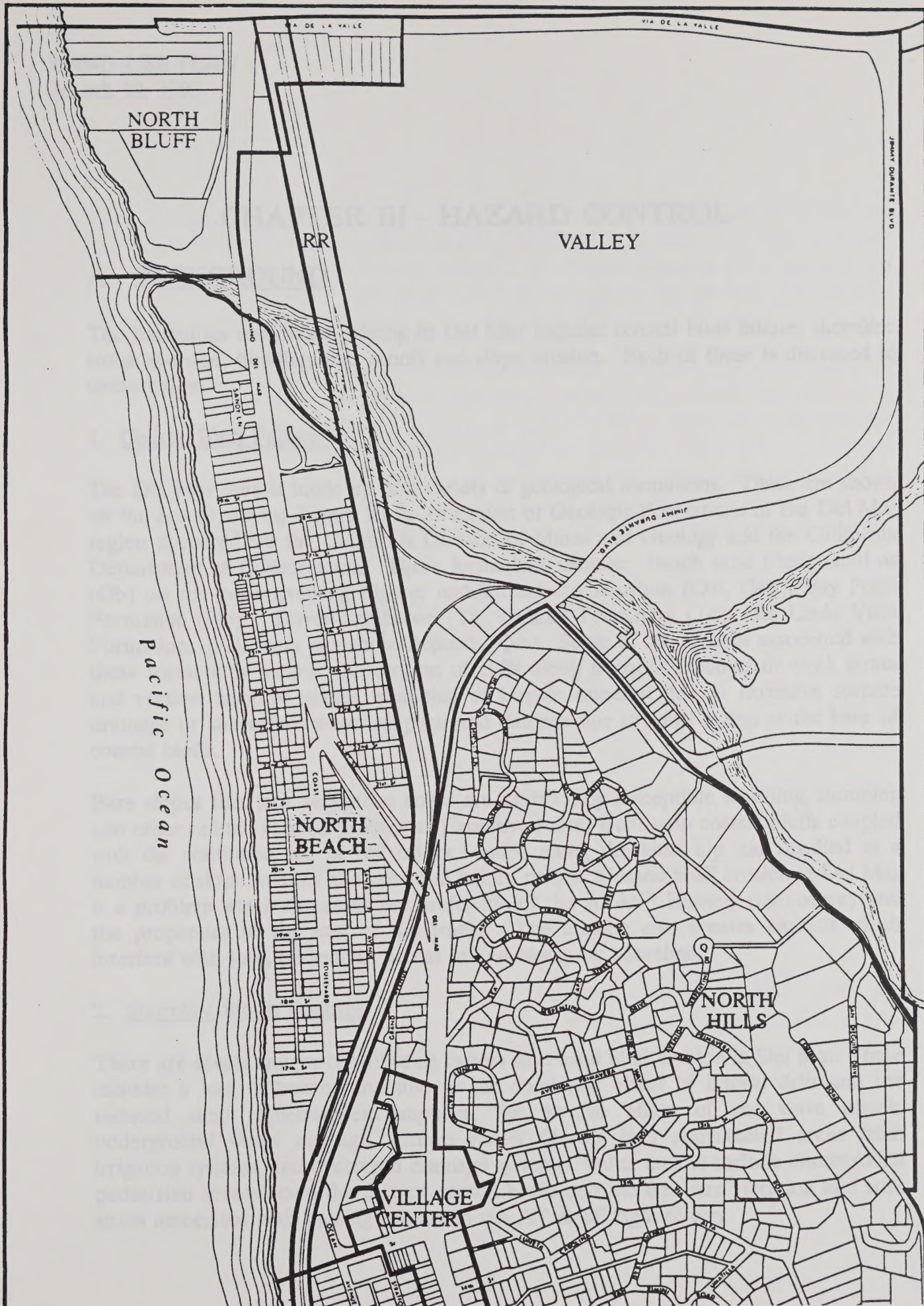
SOUTH
BLUFF

RR

DISTRICT BOUNDARY MAP

City of Del Mar





CHAPTER III - HAZARD CONTROL

A. BACKGROUND

The hazardous conditions existing in Del Mar include: coastal bluff failure, shoreline storm damage, flooding, and runoff and slope erosion. Each of these is discussed in detail below.

1. Coastal Bluff Failure

The Del Mar area is made up of a variety of geological formations. These are shown on the accompanying Figure III-A, an exhibit of Geologic Formations of the Del Mar region prepared for the California Division of Mines and Geology and the California Department of Conservation. These formations include: beach sand (designated as (Qb) on the accompanying Figure; undifferentiated alluvium (Qal, Qsw); Bay Point Formation (Qbp); Torrey Sandstone (Tt); Delmar Formation (Td); and Linda Vista Formation, quaternary nearshore deposits (Qln). Some of the hazards associated with these formations include the erosion of cliffs along horizontal planes of weak strata and vertical fracture planes, slumping of terrace material due to excessive surface drainage or subsurface water seepage and damage due to wave action at the base of coastal bluffs.

Bare slopes that lack vegetative cover are particularly susceptible to rilling, slumping and other related erosion problems. Excessive runoff from atop coastal bluffs coupled with the continued use of rail tracks located along the bluff top has resulted in a number of slope failures and potential failure points. Coastal bluff erosion in Del Mar is a problem which threatens the useful life of the AT&SF Railway right-of-way and the properties to the east of the tracks. The erosion also creates hazards which interfere with safe, pedestrian access to and along the shoreline.

2. Shoreline Storm Damage

There are several major contributing factors to coastal bluff erosion in Del Mar. These include: a loss of beach sand due to the combined effect of littoral drift and the reduced sand replenishment supplies, the erosive effect of sea wave attack, underground water seepage, surface runoff flowing into unprotected areas from irrigation systems, and overtaxed drainage systems. Other factors include uncontrolled pedestrian access down the face of coastal bluffs and the frequent vibration and soils stress associated with passing railcars in the AT & SF right-of-way.

The continuing loss of beach sand significantly increases the susceptibility of beachfront development to winter storms and high water hazards. A decrease in sediment supply will reduce the width of Del Mar's beach, if sand replenishment programs are not implemented. Although protective devices may slow landward erosion, they can also cut off the landward sand supply.

A number of shoreline protective structures have been placed on Del Mar's beach in an attempt to protect beachfront properties from the damaging impacts associated with critically high tides and storm waves. These measures have varied from [sand]berms and riprap to more substantial concrete and timber seawalls. There are a number of problems associated with the use of riprap, seawalls and other protective devices. They include: hazards from improper design; the potential for loose materials to become projectiles during storm conditions; the acceleration of beach erosion; and the displacement of sandy beach area.

A long-range, comprehensive approach to balance the need for protecting private properties from erosion while maximizing public access opportunities along the shoreline has been developed in the form of the Del Mar Beach Preservation Initiative (BPI). This ordinance was adopted by Del Mar citizens in an initiative election in April of 1988. The City Council incorporated the provisions of the voter approved BPI into the Del Mar Municipal Code as the Beach Overlay Zone (BOZ). Many of the policies of the BOZ are applicable to the access policies in Chapter IV of this Land Use Plan. However, they are also applicable to the issues of minimizing hazards and have, therefore, been included here. Implementation of these policies, in addition to region-wide cooperative efforts regarding shoreline projects, is essential to avoid the adverse impacts of improperly designed and inappropriately sited shoreline protective structures.

3. Flooding

Portions of the San Dieguito River Valley and Floodplain are located within the northern portion of the City. These areas are located along the coastline and extend several miles inland. The area is highly susceptible to damage by storm wave impacts and flooding, flooding from upland areas and, on rare occasions, to tsunamis.

Much of the San Dieguito River Valley is within the 100-year floodplain as designated on Federal Insurance Rate Program Maps prepared by the Federal Emergency Management Agency. The river floodway and floodplain extend over previously developed and undeveloped land. The Floodway regulations of this Land Use Plan prohibit the placement of fill or the development of permanent structures within the

Floodway Zone where the hazards of flooding are the greatest. Other policies regulate that development which is allowed within flood-prone areas.

4. Runoff and Slope Erosion

There are numerous areas of Del Mar characterized by steeply sloping hillsides with natural grades of 25% or greater. Such slopes often contain only sparse vegetation and are highly erodible. While the City is located in a semi-arid zone, it periodically receives a heavy rainfall. On the average of every fifty years, 4.5 inches of rain occurs in a 24-hour period. Many steep slope areas are also subject to the concentrated runoff from the impervious surfaces of upland developments. The factors of intense rainfall and urban runoff hold the potential to create severe erosion, mud slides and slope failure.

The policies of the Bluff, Slope and Canyon Overlay Zone (refer to Chapter VI) as well as other policies of this Land Use Plan serve to minimize the hazards of erosion and the sedimentation of downstream resources. The steep sloping hillsides and exposed sandstone escarpments within the City are natural elements which contribute to its character and beauty. The application of the policies of this Land Use Plan are also intended to preserve these visual resources. Further, many of the steep hillside areas lie adjacent and contiguous to the wetlands of San Dieguito and Los Penasquitos Lagoons. As such, they provide the necessary upland habitat and wildlife corridors for the various species which inhabitant the lagoon areas.

B. SHORELINE HAZARDS - GOALS AND POLICIES

Goal III-A:

Establish a comprehensive program to protect shoreline areas susceptible to storm/flooding hazards.

Policies:

- III-1 Protect open space areas as shown on the Del Mar Environmental Management Plan (see Appendix D) through the implementation of the policies of Chapters II and VI of this Land Use Plan. The policies of these Chapters are intended to assure the application of development criteria necessary to preserve the open space sensitivities of the property as described in the Open Space Goals and Objectives on pages 31-32 of the Environmental Management Element of the Del Mar Community Plan.

III-2 Conserve the natural character of land, water, vegetative and wildlife resources within the community by ensuring that future development minimizes the disturbance of existing or natural terrain and vegetation, and does not create soil erosion, silting of lower slopes, slide damage, flooding problems and/or cutting or scarring, through application of the following policies:

- a. Regulate development in accordance with the specific Beach (BOZ), Floodway (FW) and Floodplain (FP) Overlay Zone regulations contained within this chapter.
- b. Review all proposed drainage and irrigation systems for their ability to control runoff and seepage into downstream areas and to ensure that no significant erosion or the associated siltation of downstream resources will occur.

For purposes of this Land Use Plan, "significant erosion" shall mean the likelihood of removal of soil or the cutting, scarring, or rilling of slopes, canyons, or bluff faces, or the silting of lower slopes brought about by runoff from surfaces during irrigation or from rainfall of an intensity and duration less than or equal to that of the 100-year period design storm.

- c. Regulate development in proximity to coastal bluffs in accordance with the Coastal Bluff Regulations contained within this chapter.
- d. In addition to the requirements of the Coastal Bluff regulations of this chapter, require the use of drought-tolerant plants in new and redevelopment projects throughout the City in order to minimize potential erosion impacts from irrigation systems and to reduce water consumption.

III-3 Control the development of properties within the Bluff, Slope and Canyon (BSC) Overlay Zone to protect the health, safety and general welfare and to preserve scenic sandstone bluffs, related canyons, steep slopes and their downstream resources. The regulations of the BSC Overlay Zone are cited in Chapter VI of this Land Use Plan entitled, Sensitive Lands.

- III-4 If so designated in the Open Space element of the Community Plan, the development review for a project located on a site within the Open Space Overlay Zone shall be stayed for a period of time necessary to enable residents of the area to form an assessment district for the purchase of such area for the purpose of retaining the area as natural open space. However, in no event shall the stay of action for such acquisition purposes exceed a one-year period from the time of filing the first permit authorization required for the development of said property. This one year period may be extended with the written consent of the applicant/owner. Said extension(s) shall not be counted towards the review periods specified in California's Permit Streamlining Act.

Beach Hazards/Public Access Policies

- III-5 Continue to study and implement shoreline management and replenishment programs applicable to the Oceanside littoral cell through participation in the activities of the regional organizations and agencies including the Beach Erosion Action Committee (BEACH).
- III-6 Minimize the loss of life and destruction of property from seismic, geologic, oceanographic and weather related causes by developing a well coordinated disaster plan which includes preparation for earthquakes, tsunamis, and storm waves.
- III-7 Promote public safety, health and welfare, and provide for the protection of private property while protecting public access opportunities to and along the beach through the enforcement of the provisions of the Beach Preservation Initiative as incorporated into the following Beach Overlay Zone Regulations. These regulations reflect a balance of the need to minimize risks and protect property and the desire to maximize public access opportunities. The following regulations of the Beach Overlay Zone are cited in their entirety here, in this Hazards section. However, because many of the regulations do reflect the maximization of public access opportunities, they are also referenced in Chapter IV entitled "Coastal Access".

BEACH OVERLAY ZONE REGULATIONS

1. Purpose. The Beach Overlay Zone, created by initiative, is included as a part of this Land Use Plan in order to regulate the uses of the Del Mar beach area, a distinct and valuable natural resource, for the benefit of present and future generations. The regulations contained herein shall be administered so as to protect public access to and along the shoreline, while promoting public safety, health and welfare, and providing for the protection of private property.

2. Zone Boundaries. The boundaries of the Beach Overlay Zone are as described in Figure III-B, incorporated herein by reference.

3. Permitted Uses. Permitted uses within the Beach Overlay Zone shall be those allowed in the underlying Zone and Land Use designation, subject to the regulations contained in the Beach Overlay Zone which shall prevail in the event of conflict with any other provisions of the City Zoning Ordinances (hereinafter: City Code) or this Land Use Plan.

- a. "Shoreline Protection Area," shall mean that area which is within the Beach Overlay Zone and is located from south to north along the shoreline of the City being more particularly described as follows:

All lands located westerly of the line as described in Figure III-B, incorporated herein by reference.

- b. "Development" shall mean the placement or construction of any solid material or structure on land, to include, without limitation, any human-directed alteration of the land and the planting, cultivation, or maintenance of any vegetation.
- c. "Protective Structure" shall mean any privately or publicly owned development designed to protect property inland from such structure from ocean flooding or wave damage.

4. Development within the Shoreline Protection Area. No development shall occur within the shoreline area except such privately owned protective structures, publicly owned protective structures and publicly owned development authorized, constructed and maintained in accordance with the regulations set forth in the Del Mar Municipal Code and this Land Use Plan.

5. Authorized Protection Structures. The construction of a protective structure located within the Shoreline Protection Area may be authorized by the issuance of a Shoreline Protection Permit, if the City Council finds, following notice and public hearing, that the proposed protective structure:

- a. Is required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts to local shoreline sand supply;
- b. Will minimize risks to life and property in areas of flood hazards;
- c. Will assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, nor in any way substantially alter natural landforms along bluffs and cliffs;
- d. Is in conformity with Del Mar's certified Coastal Program, after certification of said Local Coastal Program;
- e. Is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.
- f. Has material and design which are consistent with good engineering practices;
- g. Will, if there is a vertical wall element in the proposed protective structure, have the seaward face of the vertical wall located within the Shoreline Protection Area only if there is no other feasible location for effectively protecting a principle structure; there is no feasible, less environmentally damaging alternative; and feasible mitigation measures have been provided to minimize adverse environmental effects; but in no event have the seaward face of the vertical wall more than five feet westward of the Shoreline Protection Area line;
- h. Will, if other than a vertical wall, meet all the conditions of subsection g, above;
- i. Will, if there is a riprap element in the proposed structure:
 - 1. Have the riprap extending no more than twenty (20) feet westward from the Shoreline Protection Area line.

2. Have a westward slope beginning no higher than a 5.7 foot elevation (NGVD) at the Shoreline Protection Area line, decreasing in height at a minimum rate of one vertical foot for every one and one-half feet of lateral distance, the riprap extends westerly of the SPA line.

6. Permit Application Procedure.

- a. An application for a Shoreline Protection Permit shall be made to the City Manager on forms provided by the City. The applicant shall pay a fee determined by the City Manager to be sufficient to pay for the costs of notice and the processing of the application for City Council consideration to include prehearing CEQA processing and any consulting costs incurred by the City.
- b. The application shall include the full description of the development and the applicant's proposal, together with supporting evidence on each issue raised by the application. Where deemed necessary by the City Manager, the application will include information as prepared by either a registered engineer or a land surveyor and an environmental consultant.
- c. Following the required CEQA processing, the City Manager shall cause the application to be set for a noticed administrative hearing before the City Council. The City Manager shall cause to be published, at least ten days before the date set for the administrative hearing, a notice of application. The notice of application shall also be concurrently posted on the site of the subject development and mailed to each person who has filed a written request for such notice, giving their name and mailing address. The notice of application shall contain:
 1. A description of the subject development;
 2. The purpose of the application;
 3. The date and time of the meeting at which the administrative hearing will be conducted.
 4. A statement that the hearing will be open to the public and to public discussion.

7. Issuance of a Shoreline Protection Permit.

- a. It shall be unlawful to construct or maintain a privately owned protective structure or maintain privately owned development within the Shoreline Protection Area without first having obtained a Shoreline Protection Permit from the City Council.
- b. The City Council may issue a Shoreline Protection Permit authorizing the following:
 1. The construction and maintenance of a privately owned protective structure in accordance with these regulations.
 2. The maintenance of a privately owned protective structure or privately owned development constructed prior to and in non-conformance with the Beach Overlay Zone regulations for the duration of the amortization term established for such privately owned protective structure or privately owned development.
 3. The private financing, construction and/or maintenance of a publicly owned protective structure authorized by the Beach Overlay Zone regulations.
- c. A Shoreline Protection Permit shall:
 1. Contain waivers, indemnification and hold harmless provisions as required by the City Council at the time of approval.
 2. Contain such conditions as the City Council determines to be necessary to accomplish the purposes of the Beach Overlay Zone.
 3. Shall require a reasonable user fee to be determined by the City Council.
 4. Be recorded in a manner to bind successors in interest.

8. Emergency Reinforcement.

- a. Where property inland from a protective structure is being immediately threatened by ocean flooding or wave damage, a shoreline protection permittee may temporarily increase the height and bulk of the protective structure. The permittee shall within fifteen days from the end of the emergency condition remove the temporary protection from the Shoreline Protection Area. Said emergency reinforcement shall be subject to other requirements contained in the California Coastal Act.
- b. In the event such added temporary protection remains beyond April 15th in any year the City shall remove such added structure within ten days and shall charge the owner the cost of removal, placing a lien on the property for such cost.

9. Shoreline Protection Area: Removal of Noncomplying Development.

- a. Privately owned development within the Shoreline Protection Area constructed before the effective date of and in nonconformity to the Beach Overlay Zone regulations shall be abated immediately by the person or persons who constructed, now use and/or maintain such development; unless a Shoreline Protection Permit has been obtained establishing an amortization period of such development.
- b. The following privately owned development within the Shoreline Protection Area shall constitute a public nuisance. In addition to other remedies provided by law, all direct and indirect costs, including legal expenses, incurred by the City of Del Mar in abating such nuisance shall become a lien on the property and a personal obligation of the person or persons who constructed, now use and/or now maintain such development, and shall be a special assessment against said property to be collected as ordinary municipal taxes.
 1. Privately owned development which was constructed before the effective date of and in noncompliance with the regulations of the Beach Overlay Zone and thereafter is maintained either without or contrary to the terms of a Shoreline Protection Permit.

2. Privately owned development which is constructed and maintained after the effective date of and in noncompliance with the regulations of the Beach Overlay Zone.

10. Shoreline Protection Area: Determination of Noncomplying Developments, Amortization Term.

- a. The City Manager shall investigate and identify within a period no later than six months following the date of the enactment of this ordinance the existence of any development within the Shoreline Protection Area that is not in compliance with the requirements of the Beach Overlay Zone.
- b. The City Manager shall prepare a preliminary recommendation identifying the noncomplying development, and designating an abatement procedure to include an amortization period calculated as follows:

For every \$5,000.00 of initial construction costs on each individual lot, the noncomplying development may remain for one year following its initial construction, not to exceed ten years. The City Manager shall determine the initial cost of construction based upon the best information available.

- c. The City Manager shall cause a Notice of Preliminary Recommendation to be sent by certified mail, return receipt requested, and by first class postage prepaid mail to the address of record listed in the County Recorder's office, and to such other address of which the City Manager has actual knowledge of the person or persons who constructed, now use, and/or now maintain the privately owned development. In addition, the Notice of Preliminary Recommendation shall be concurrently posted in a conspicuous location at the development site and shall be mailed to persons who have registered their names and addresses with the City indicating an interest in obtaining such notice. Further, the notice shall be published in accordance with the provisions of these regulations at least 15 days prior to the administrative hearing thereon.

11. Notice of Preliminary Recommendation. The Notice of Preliminary Recommendation shall contain the following:

- a. The preliminary recommendation.
- b. The date and time of the City Council meeting at which an administrative hearing will be conducted.

- c. A statement that the City Council, following the completion of the administrative hearing, will make a final determination of the foregoing matter and may record a Notice of Abatement against the property of persons found to be responsible for removing the development.
- d. A statement that the hearing will be open to the public and to public discussion.

12. Determination of Noncompliance and Abatement.

- a. Following the administrative hearing, the City Council shall reach a final determination as to whether the development is noncomplying, whether it constitutes a nuisance and the final determination of an abatement procedure consistent with the terms of this ordinance. The City Council shall base its determination on any information presented during the administrative hearing that may be constitutionally considered.
- b. After such final determination, the City shall give the notice, provided for in Section 10, C, notifying the noncomplying owner, notifying such persons that they have thirty days from the date of the notice to remove the noncomplying development; that upon a showing of good cause this period may be extended for a longer period but not to exceed ninety days.
- c. If the owner of the noncomplying development does not remove it within the required period, the City Council shall direct the City Attorney to take immediate action to abate the nuisance created by the development, including the taking of any necessary legal action to abate the same. The City will recover the expense of such actions as provided in Section 10, B.

13. New Construction or Reconstruction. No reconstruction or remodeling of a structure when 50% or more of the lot's permitted floor area is involved and no new construction shall be located within 15 feet east of the Shoreline Protection Area line. Patio and landscaping improvements not to exceed six feet in height, and which provide adequate drainage of excess water resulting from storm and/or wave conditions shall be exempt from this section. Said drainage capabilities shall be reviewed and subject to approval of the City Engineer at the time of application.

14. Shoreline Protection Area: Publicly Owned Development. Within the Shoreline Protection Area, the City Council may authorize the construction and maintenance of lifeguard facilities.

15. Sand Replenishment Projects. A sand replenishment project shall not be considered development within the meaning of these Beach Overlay Zone regulations where each of the following criteria are met:

1. No structure or material other than sand is permanently placed on the beach;
2. The proposed replenishment program is approved in advance by the City as to the quantities of sand to be placed on the beach, the location of the replenishment, the quality of the material to be used in the replenishment project, the time in which the project is to occur, and any other relevant aspects of the proposed project.

III-8 Where seawalls or other shoreline protective devices are required for the protection of existing principal structures it shall be the City's policy to encourage their construction landward of the Shoreline Protection Area (SPA) line on private property. Proposals for the construction of shoreline protective devices shall be reviewed and processed in accordance with the following Setback Seawall Regulations. These Setback Seawall Permit Regulations are established to regulate beach uses east of the Shoreline Protection Area line. It is the intent to encourage seawalls or other type of protective devices when needed, to be constructed landward (east) of the Shoreline Protection Area (SPA) line.

SETBACK SEAWALL PERMIT REGULATIONS

1. Development of shoreline protective structures landward of the Shoreline Protection Area line. Protective structures as defined in this Land Use Plan may be developed on private property landward of the Shoreline Protection Area line, irrespective of any otherwise applicable setback requirements imposed by this Land Use Plan.

2. Application Procedure and Processing. The review procedure for such an application shall be the same as specified in this Land Use Plan for shoreline protective structures on or seaward of the Shoreline Protection Area line, except that the application shall note that the project is to be constructed landward of said line, and such applications shall be processed in the same manner, provided that such applications shall be reviewed by the Planning Commission.

3. Criteria for Approval/Imposition of Conditions. Property owners shall have a right to construct protective structures on their private property landward of the Shoreline Protection Area line provided that the Planning Commission or City Council on appeal, finds that the proposed protective device:

- a. Is required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts to local shoreline sand supply;
- b. Will minimize risks to life and property in areas of flood hazards;
- c. Will assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, nor in any way substantially alter natural landforms along bluffs and cliffs;
- d. Is in conformity with the certified Coastal Program, after certification of the Local Coastal Program;
- e. Is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act;
- f. Has material and design which are consistent with good engineering practices;

Such permits shall be subject to such conditions as the Planning Commission may reasonably impose, including the following:

- i. Contain waivers, indemnification and hold harmless provisions as required at the time of approval.
- ii. Contain such conditions as the Planning Commission determines to be necessary to accomplish the purposes of Setback Seawall Permits.

iii. Be recorded in a manner to bind successors in interest.

4. Emergency Reinforcement. Emergency protective structures may be installed landward of the Shoreline Protection Area line in conformance with the same procedures and criteria specified in this Land Use Plan of the Municipal Code.

5. Shoreline Protection Area: Removal of Noncomplying Development. Protective structures approved landward of the Shoreline Protection Area line shall not be deemed to be nonconforming for any purposes under any other provision of the City's Community Plan, Zoning Ordinance, or Design Review Ordinance.

C. - COASTAL BLUFFS

GOAL III-B:

Preserve Del Mar's fragile coastal bluffs as a visual resource and avoid the risks to life and property associated with bluff failure and shoreline erosion.

Policies:

III-9 Where a proposed development would lie at the top of, or in proximity to a coastal bluff, the Coastal Bluff Regulations cited below and on subsequent pages shall apply. For purposes of this Land Use Plan, a coastal bluff is defined as a steep escarpment with a slope gradient equal to or greater than an average of one foot vertical to one foot horizontal and a vertical rise of 15 feet or more, and which is located in an area that is periodically subject to ocean wave action. The areas of the City of Del Mar in which coastal bluffs are located are shown on Figure III-C. As shown on this Figure, the manufactured cut slope which follows the eastern edge of the AT&SF Railway Right of Way between the City's southern boundary and 15th Street is not considered to be a coastal bluff. Therefore, the properties which lie to the east of such manufactured cut slope are not subject to the following coastal bluff regulations.

COASTAL BLUFF REGULATIONS

- a. A minimum setback of 40 feet from the edge of the coastal bluff top shall be provided in the construction of all principal structures and all accessory structures, such as, but not limited to: pools, spas, storage sheds, gazebos and above grade decks or patios.

All new additions to existing structures shall maintain the minimum 40-foot coastal bluff top setback required herein. This requirement shall also apply to the construction or installation of new supporting foundations or other structural supports for existing structures.

A lesser setback of a minimum 10 feet from the edge of the coastal bluff top shall be allowed for associated improvements such as fences, windscreen and benches, provided such improvements are constructed above grade with the use of light weight materials and without the use of grading and/or continuous foundation components.

No grading shall be allowed within a minimum setback of 40 feet from the top edge of the coastal bluff top.

No grading or construction activities shall be allowed on the face of a coastal bluff unless approved as part of a Shoreline Protective Permit or Setback Seawall Permit issued in accordance with the provisions of this Land Use Plan and when such activity on the bluff face has been minimized to the maximum extent feasible necessary to provide the authorized shoreline protection.

- b. The location of the edge of the coastal bluff top shall be indicated on plans for any new construction projects in proximity to a coastal bluff. For purposes of applying these Coastal Bluff Regulations, the edge of the coastal bluff top shall be delineated using the following criteria:
 - i. In cases where the coastal bluff involves a series of vertical and horizontal planes, the bluff top shall be considered to start at the seaward edge of the highest riser of the horizontal planes of the coastal bluff.

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March 18, 1993

- ii. In cases where the coastal bluff edge is composed of a continuous, rather than stepped, downward slope, the bluff top shall be considered to start at that point nearest the bluff, seaward of which the downward gradient of the land surface increases more or less continuously at an angle which is more vertical than horizontal until it reaches the general gradient of the bluff.

These criteria have been applied in the determination of the location of the edge of the bluff top for the hypothetical coastal bluff sections shown on Figure III-D. This Figure is meant solely to provide guidance in the application of the regulations set forth herein regarding the determination of the edge of a coastal bluff top.

- c. All applications for projects involving new construction on coastal bluff top properties shall be accompanied by a geotechnical report addressing: 1) existing conditions; 2) the suitability of the site for the proposed construction; and 3) the potential of the proposed development to affect bluff stability over a 70-year life span of the project. The report shall also include recommended mitigation measures as they relate to avoidance of risks and preservation of fragile bluff systems. In the event that a submitted report recommends a blufftop setback of a greater distance than otherwise minimally required in this Land Use Plan, the greater distance shall be provided.

At the discretion of the Planning Director, the applicant may be required to provide funding for an independent analysis of the project site; the project proposal; and/or any report or information submitted with an application for a project along the top of a coastal bluff.

- d. In order to protect coastal bluffs from erosion and degradation, all drainage from the impervious surfaces of the site shall be collected and appropriately discharged in a manner which will prevent drainage and/or erosion related damage to the coastal bluff or any other properties or improvements. Drainage facilities shall be designed and constructed as necessary to convey all drainage away from any coastal bluff face and, where available, into an existing developed storm drain systems which can be shown to have sufficient capacity to handle all anticipated drainage flows associated with the proposed project. Where an existing storm drain system is not available, drainage shall be conveyed to a clearly defined, legal natural drainage course which can be shown to have adequate capacity to handle all required drainage flows without adverse impact. All

designs and plans for drainage improvements shall be prepared by a licensed civil engineer and shall be subject to the review and approval of the City Engineer.

- e. Native and other drought-tolerant plant species shall be utilized in all new blufftop construction projects so as to minimize irrigation requirements and to reduce potential slide hazards due to over watering of the bluffs. The construction of irrigation systems shall be prohibited within 40 feet of the edge of the coastal bluff top. In review of new construction projects, the removal of existing irrigation systems within the 40-foot setback shall be required as a condition of development.
- f. Areas to be retained in their natural state pursuant to the Coastal Bluff regulations shall be subject to conditions to ensure the future protection of the designated area(s) from encroachment, disturbance or degradation. Said conditions shall include the recordation of an open space deed restriction or open space easement to assure protection of the designated area and to serve notice to the property owner, subsequent owners or interested parties of the restrictions in effect on such property.

D. RUNOFF AND EROSION CONTROL

GOAL III-C:

Protect resources and property located downstream from hillside and bluff areas from damage due to uncontrolled runoff.

Policies:

III-10 Minimize damage from runoff from all projects within the City by:

- a. Ensuring that storm drains are designed and provided in such a manner to carry the entire amount of intercepted storm runoff estimated to occur during a storm having a return period of ten years;
- b. Ensuring the provision of adequate storm drain inlet capacity for the anticipated storm runoff from developed areas within the identified watersheds of San Dieguito and Los Penasquitos Lagoons.

- c. Ensuring that new development is accompanied by the provision of drainage control measures which control and direct storm flow runoff into existing storm drain systems or into natural drainage courses when approved by the City Engineer and provide new storm drains as necessary to protect from unrestricted flows and runoff.
- d. Applying the grading, erosion and sedimentation control regulations of the Lagoon Overlay Zone and the Bluff, Slope and Canyon Overlay Zone of Chapter VI of this Land Use Plan to those projects located within such overlay zones.

In addition, the City shall continue the design and implementation of a comprehensive storm drain system using existing and new measures to assure that the combination of storm drain system capacity and allowable street overflow will adequately carry runoff from a 50-year frequency storm without damaging adjacent property or coastal bluff areas.

E. FLOOD HAZARDS

GOAL III-D:

Minimize risks to life and property associated with flooding and flood waters.

Policies:

Flood hazards shall be minimized through the application of the following Flood Hazard Regulations. Where these regulations make reference to the Federal Insurance Rate Map (FIRM) or a designation taken from such map, the most recent, approved FIRM shall be used.

FLOOD HAZARD REGULATIONS

III-11 Enhance public safety within the San Dieguito River Floodway by:

- a. Prohibiting the construction of permanent structures or the placement of fill on either a temporary or permanent basis within designated floodway (FW) areas.

- b. Prohibiting uses in the floodway which would constitute an unreasonable, unnecessary, undesirable, or dangerous impediment to the flow of floodwaters, or which would cause a cumulative increase in the water surface elevation of the base flood of more than one foot at any point.
- c. Requiring proposed development to be located so as to eliminate the need for protective devices such as seawalls, riprap, retaining walls, or other flood control devices.

III-12 Ensure that the development of real property which is subject to floodwaters will not obstruct flood flow; will not create a hazard to life, health, safety, or the general welfare; will reduce the need for the construction of flood control facilities that would be required if unregulated development occurs; and will minimize the cost of flood insurance to Del Mar residents. The following Floodplain (FP) Overlay Zone policies shall be applied to all applications for a Floodplain Development Permit. A Floodplain Development Permit shall be required for any new construction or substantial improvement to existing structures within the FP Overlay Zone designated on Figure III-F. This overlay zone incorporates floodplain areas designated on the Federal Insurance Rate Map (FIRM) for the area as prepared by the Federal Emergency Management Agency and updated in 1986. That map is included as Figure III-E.

Applications for Floodplain Development Permits shall be reviewed for consistency with the following requirements to be assured that new development will:

- a. Be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- b. Be constructed with materials and utility equipment resistant to flood damage;
- c. Use methods and practices that minimize flood damage;
- d. Have the lowest floor (including basement) of any residential structure elevated to or above the base flood elevation;

- e. Have the lowest floor (including basement) of any nonresidential structure elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be flood-proofed below the base flood level to the extent that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, as certified by a registered professional engineer or architect;
- f. When located in an area of shallow flooding (Zones AO and VO on the community's FIRM), have the lowest floor (including basement) elevated to or above the depth number indicated on the most current FIRM; or if there is no depth number on the most current FIRM, be elevated at least two feet above the highest adjacent grade. As an alternative, nonresidential structures, together with attendant utility and sanitary facilities, may be flood-proofed to that level as specified in subsection "e" above;
- g. When located in Zones AO and AH on the FIRM, have adequate drainage paths around structures situated on sloping ground, to guide floodwaters around and away from said structures;
- h. Where a non-residential structure is to be flood-proofed, have the design and methods of construction in accordance with accepted standards of practice for flood-proofing or include the specific elevation in relation to mean sea level to which such structures are flood-proofed;
- i. Have all new and replacement water supply and sanitary sewage systems designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters;
- j. Have on-site waste disposal systems located to avoid impairment to them, or contamination from them, during flooding;
- k. Have all electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

1. Have all fully enclosed areas below the lowest floor that are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters with designs certified by a registered professional engineer or architect; or have at least two openings no more than one foot above grade with a total net area of at least one square inch per square foot of flooded area.
 - m. Not require the construction of flood protective works, including, but not limited to, artificial flood channels, revetments or levees.
- III-13** The preceding floodplain development standards shall not apply to the undeveloped property known as the "railroad triangle" (APNs 299-071-02, 301-010-11; 301-032-5, 10, 11, 12; as shown on Figure III-G) and the floodplain portions of the southern properties in the Lagoon Overlay Zone. Said floodplain properties or areas may only be developed as follows:
1. The development is capable of withstanding periodic flooding, and does not require the construction of flood protective works, including but not limited to, filling, artificial flood channels, revetments or levees.
 2. Existing environmentally sensitive habitat areas will not be disturbed.
 3. Increased flood flow velocities will not occur.
 4. There will be no adverse water quality impacts to adjacent or downstream wetland areas.



P A C I F I C

Del Mar

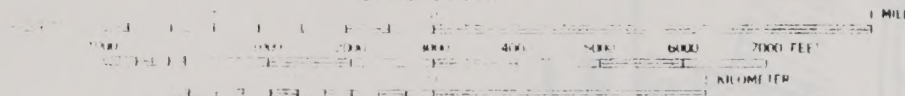


Figure III-A Del Mar Geologic Formations

SAN DIEGO COUNTY, CALIFORNIA

by Michael P. Kennedy

SCALE 1:4000



CONTOUR INTERVAL 20 FEET

DOTTED LINES REPRESENT 10-FOOT CONTOURS

DATUM IS MEAN SEA LEVEL

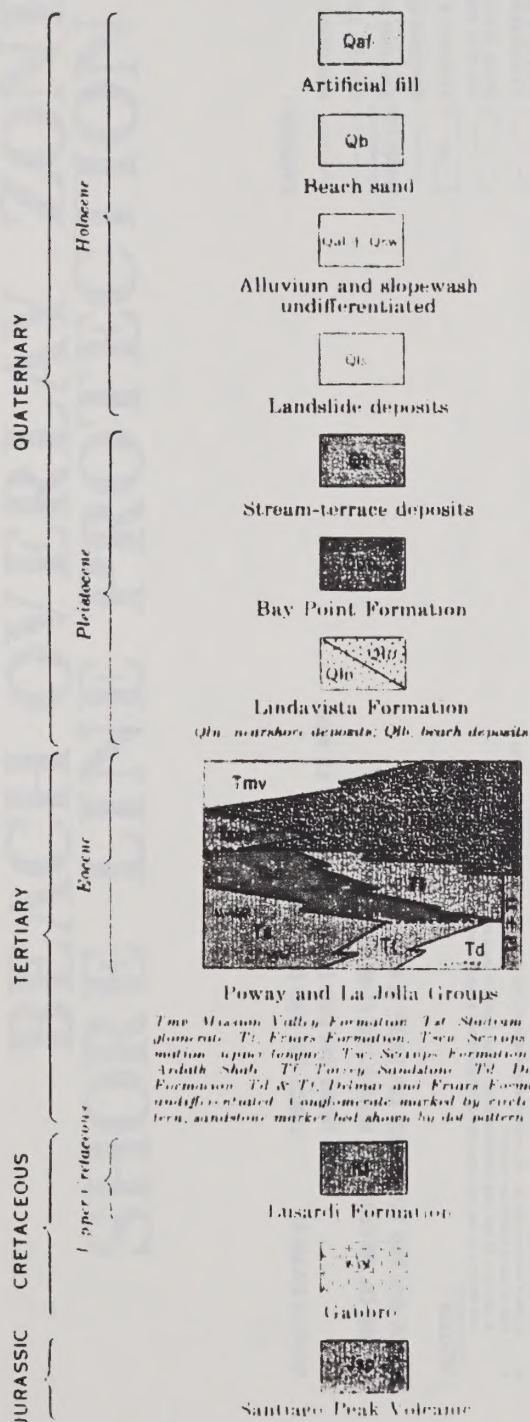
DEPTH CURVES AND SOUNDINGS IN FEET—DATUM IS MEAN LOWER LOW WATER

SHORELINE SHOWN REPRESENT THE APPROXIMATE LINE OF MEAN HIGH WATER

THE MEAN RANGE OF TIDE IS APPROXIMATELY 4 FEET

1975

EXPLANATION



THIS DOCUMENT IS INTENDED AS A BASE SURVEY
FOR THE SHORELINE PROTECTION AREA LINE LOCATION ONLY
AND NOT TO BE USED FOR DESIGN OR CONSTRUCTION PURPOSES

CITY OF DEL MAR

BEACH OVERLAY ZONE SHORE LINE PROTECTION LINE

BENCH MARKS : USCE DM 690 (SHT 3)
USCE DM 690 (SHT 9) ELEV. 19.43 MSL

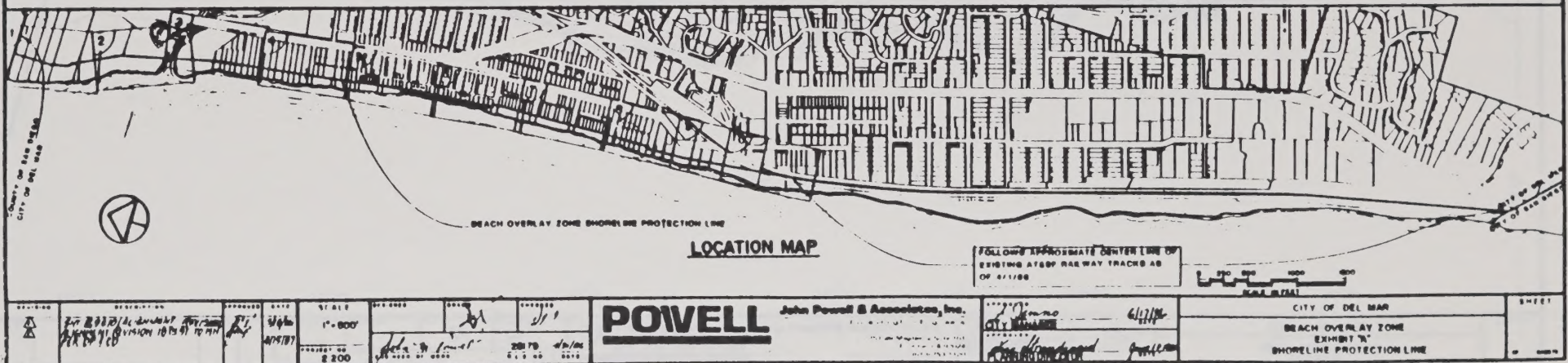
BASIS OF BEARING : SURVEYED LINE BETWEEN
USCE DM 690 AND USCE DM 690 - N 60° 15' 54" W

NOTES :

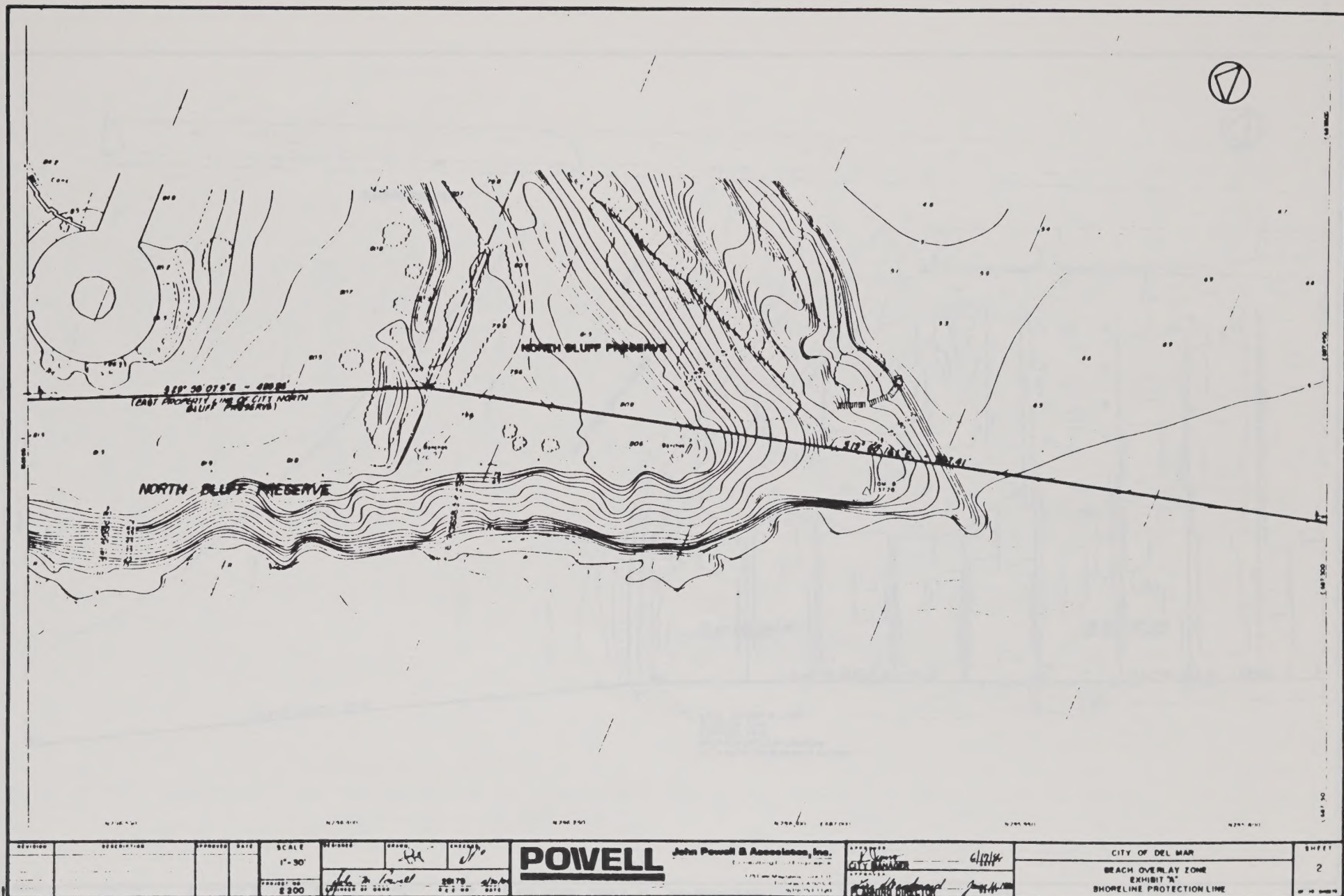
1. THIS SURVEY IS FOR THE PURPOSE OF LOCATING THE SHORELINE PROTECTION LINE AS DEFINED IN THE CITY OF DEL MAR MUNICIPAL CODE, BEACH OVERLAY ZONE ORDINANCE
2. THIS IS NOT A BOUNDARY SURVEY
3. A LEGAL DESCRIPTION OF THE SHORELINE PROTECTION LINE IS CONTAINED IN THE BEACH OVERLAY ZONE ORDINANCE
4. FIELD SURVEYS PERFORMED BY EDWARD E. BOHRER PROFESSIONAL SURVEY SERVICES

LEGEND :

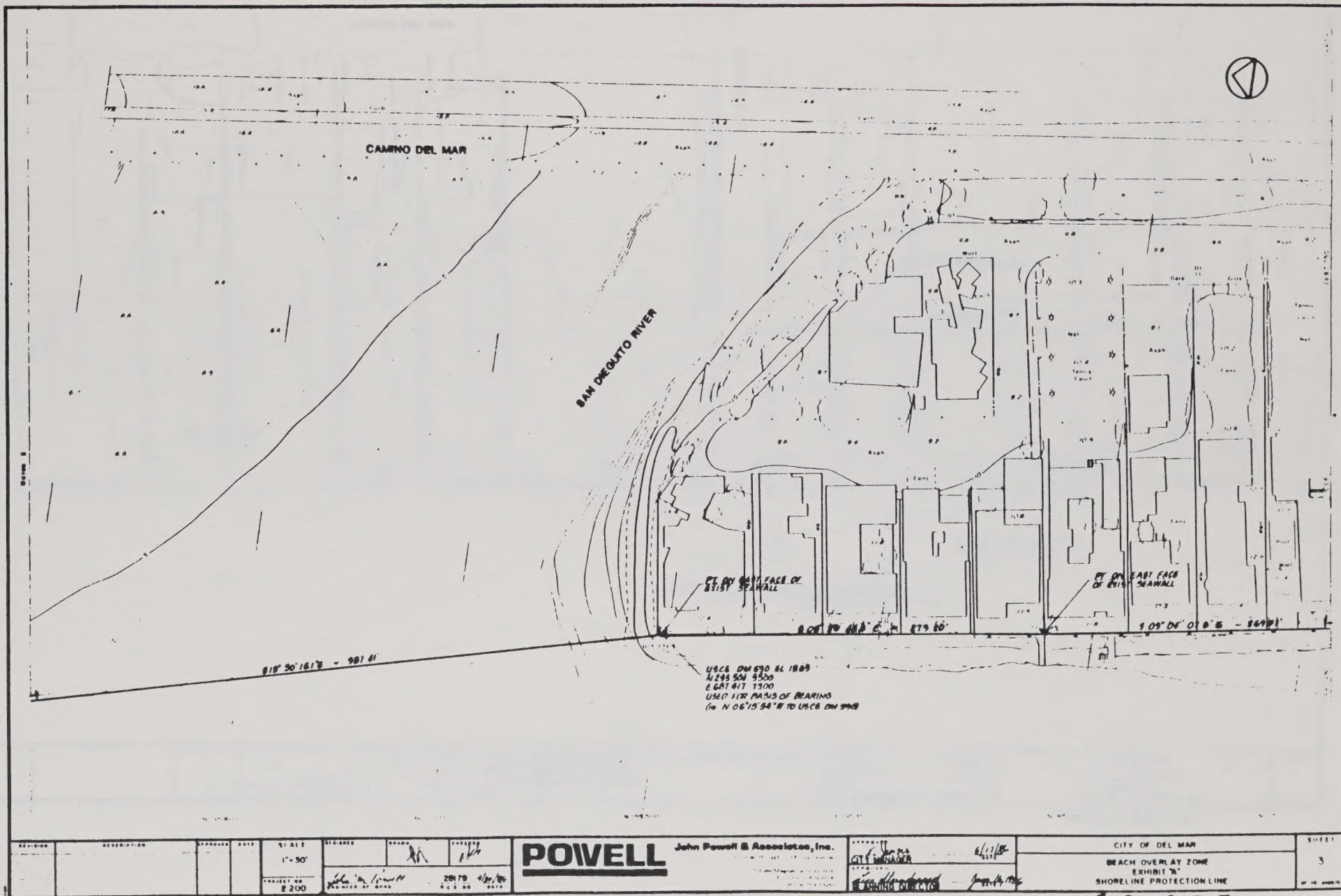
- SHORELINE PROTECTION LINE
- SURVEY THE LINE
- RETAINED FACE
- EXPOSED FACE
- EXISTING WALL
- EXISTING FENCE
- EXISTING STRUCTURAL IMPROVEMENT
- RIP RAP VISIBLE DURING AERIAL SURVEY FLIGHT DATE 1/13/88
- ESTIMATED LIMITS OF EXISTING RIP RAP BASED ON FIELD SURVEY DURING LOW SAND CONDITION ON 2/20/88

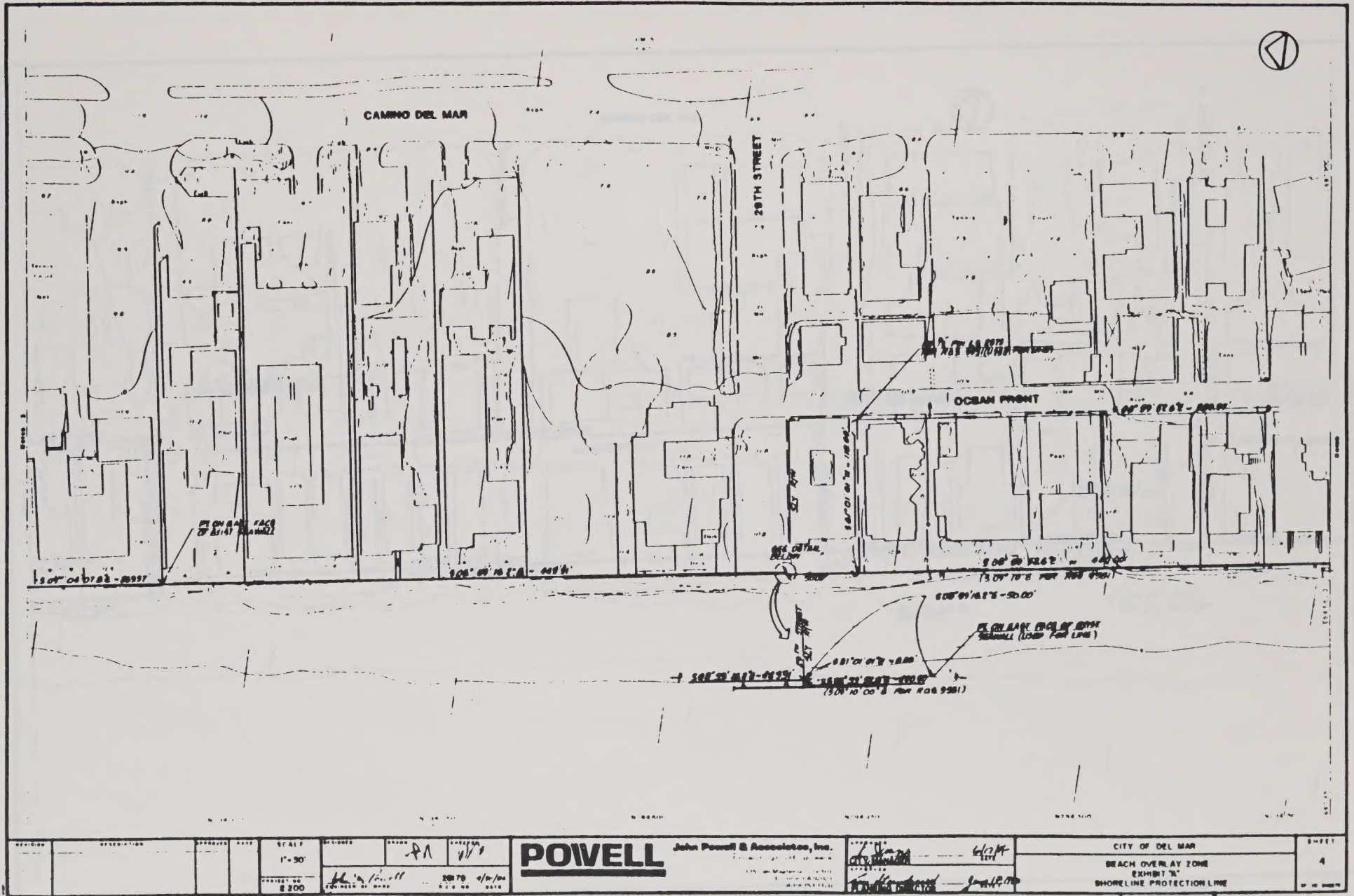


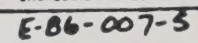
E-86-007-0

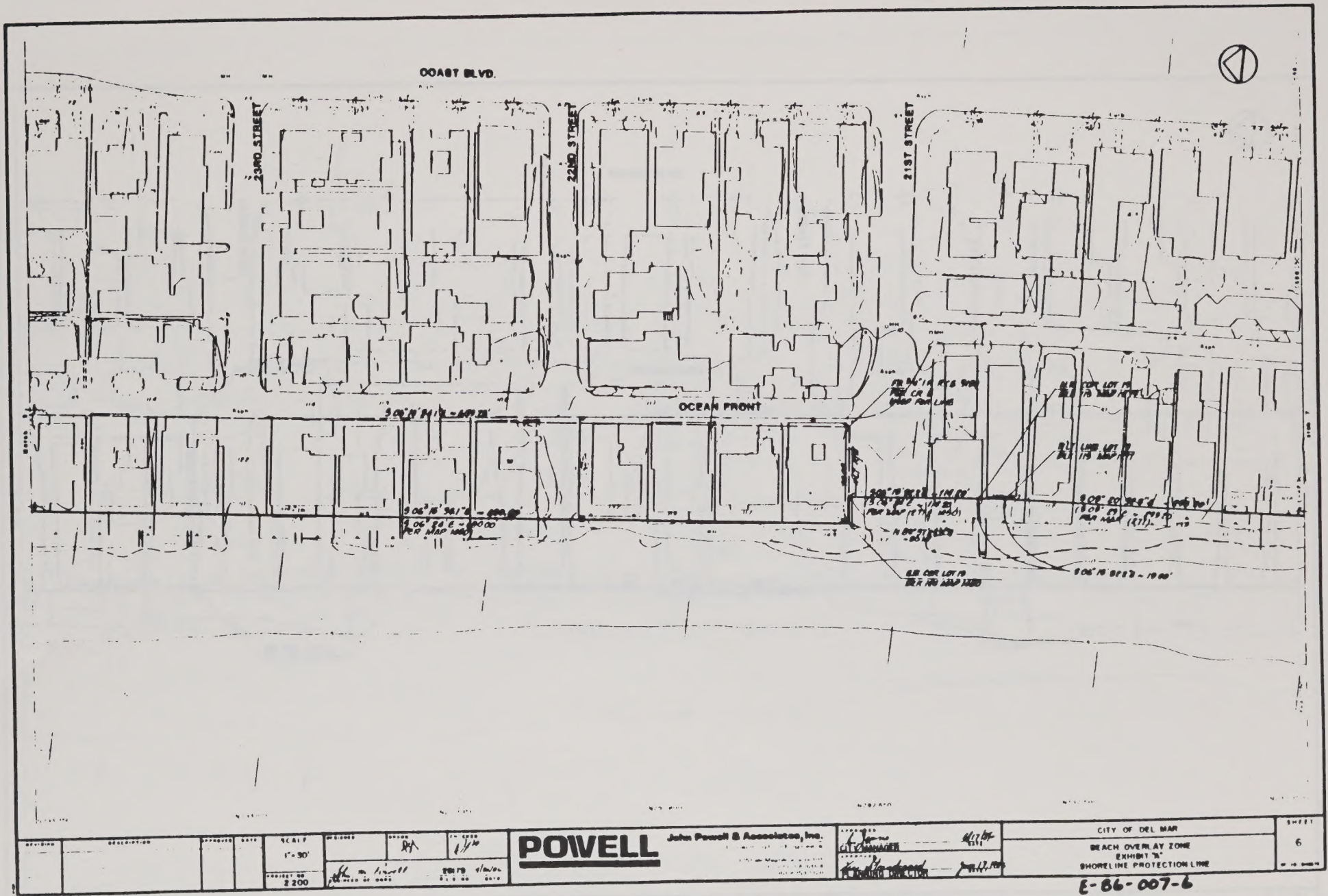


54 Figure III-B Beach Overlay Zone (Cont.)











COAST BLVD.

20TH STREET

19TH STREET

OCEAN FRONT

100' R.O.W. - 100' R.O.W.

100' R.O.W. - 100' R.O.W.
(100' R.O.W. - 100' R.O.W. - 100' R.O.W.)

SUR. CDD LOT 11
BLK 115 MAP 1277

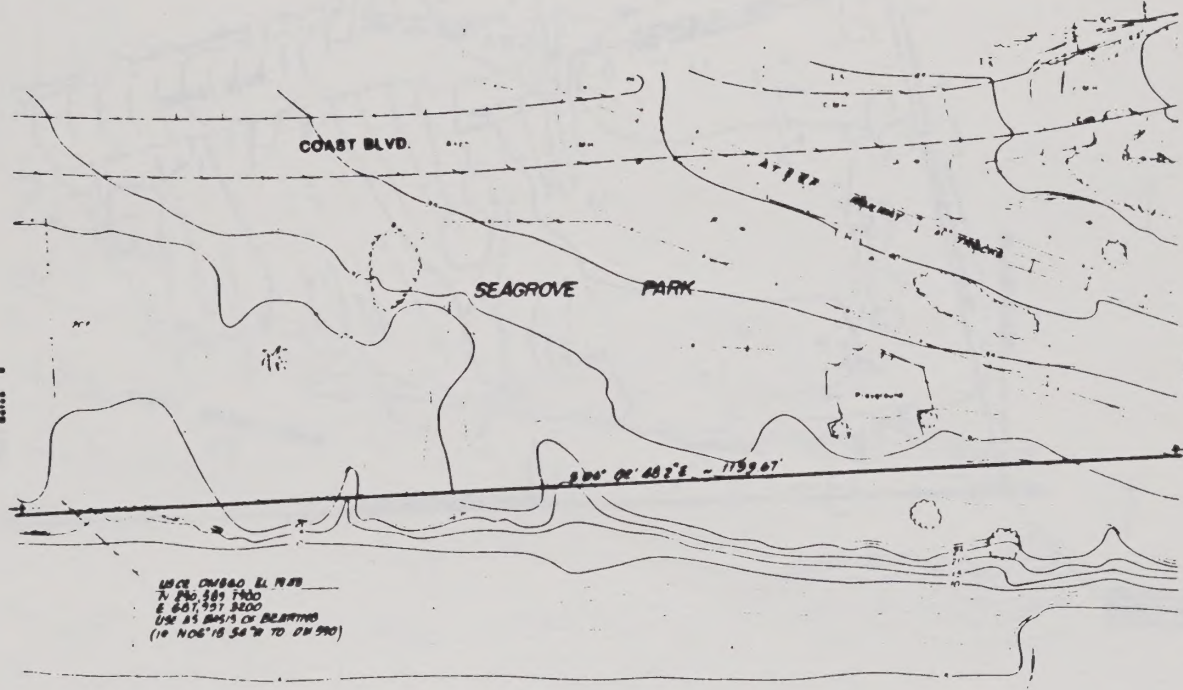
REVISION	DESCRIPTION	APPROVED	DATE	SCALE	DESIGNER	DRAWN	CHECKED	PROJECT NO.	DATE	BY	DATE	CITY OF DEL MAR	SHEET
				1" = 30'		20179	4/12/04	2200				BEACH OVERLAY ZONE EXHIBIT 'A' SHORELINE PROTECTION LINE	7

POWELL

John Powell & Associates, Inc.

CITY MANAGER

E-86-007-7



REVISION	DESCRIPTION	DATE	SCALE	DESIGNER	CHECKER	APPROVED	DATE	CITY OF DEL MAR	SHEET
1	ALIGNMENT REVISION 3 OF 1776 STREET FOR DPLU	4/1/06	1"=30'	John Powell	4/1/06	John Powell & Associates, Inc.	4/1/06	BEACH OVERLAY ZONE EXHIBIT 'A' SHORELINE PROTECTION LINE	9
POWELL						John Powell & Associates, Inc.		E-06-007-9	

60 Figure III-B Beach Overlay Zone (Cont.)

Pacific Ocean



GENERAL LOCATION OF
COASTAL BLUFFS

City of Del Mar



Figure III-C General Location of Coastal Bluffs

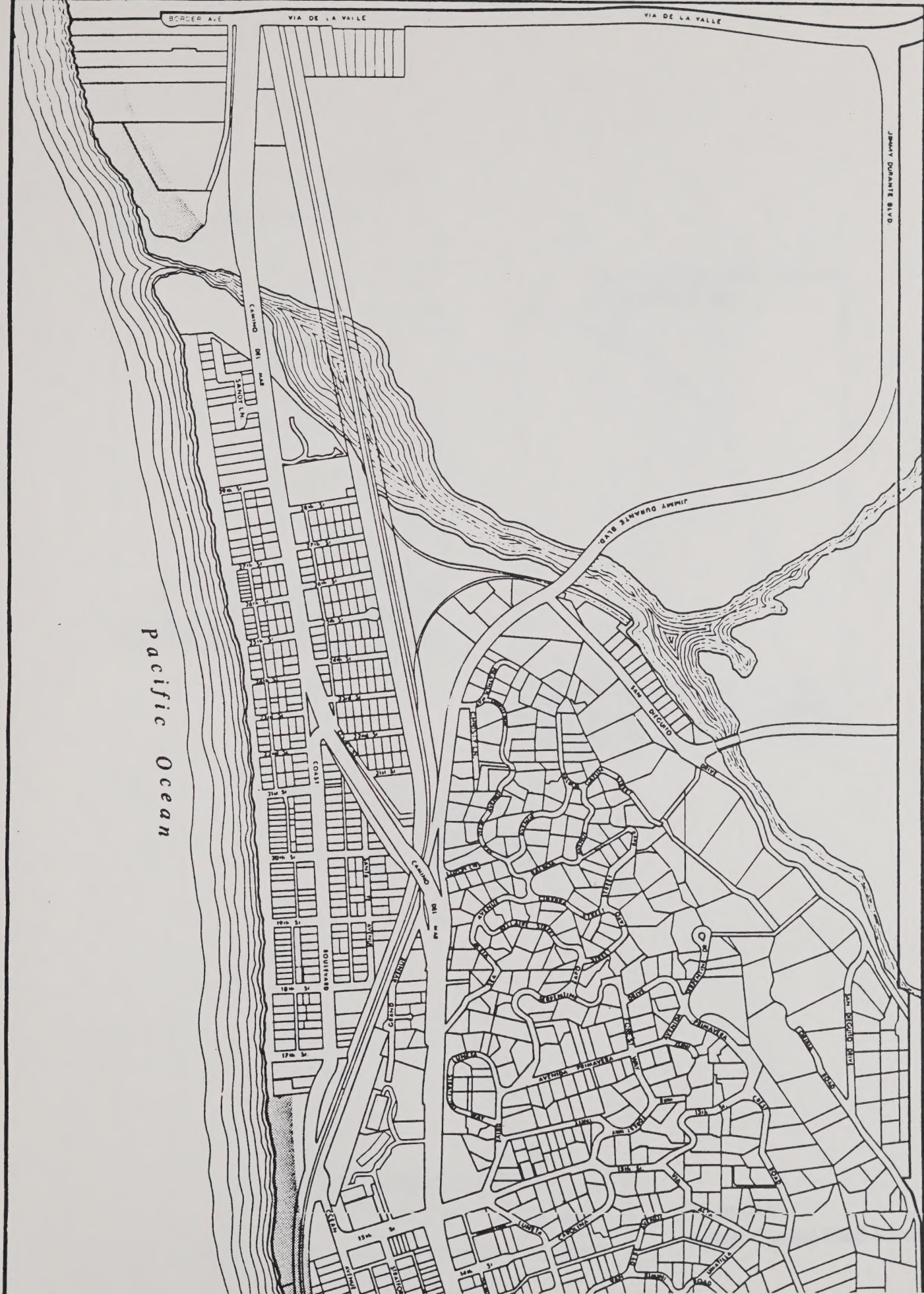


Figure III-C General Location of Coastal Bluffs(Cont.)

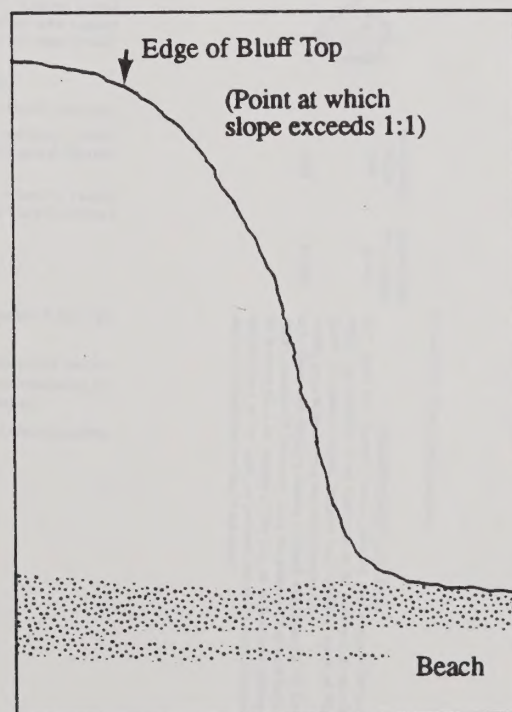
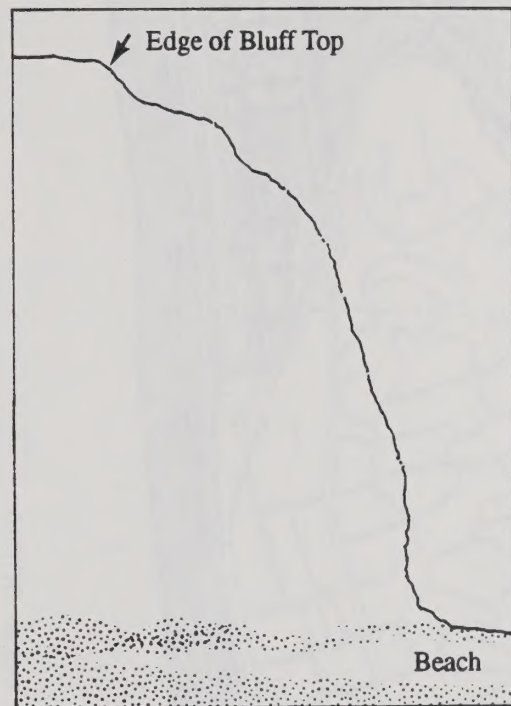
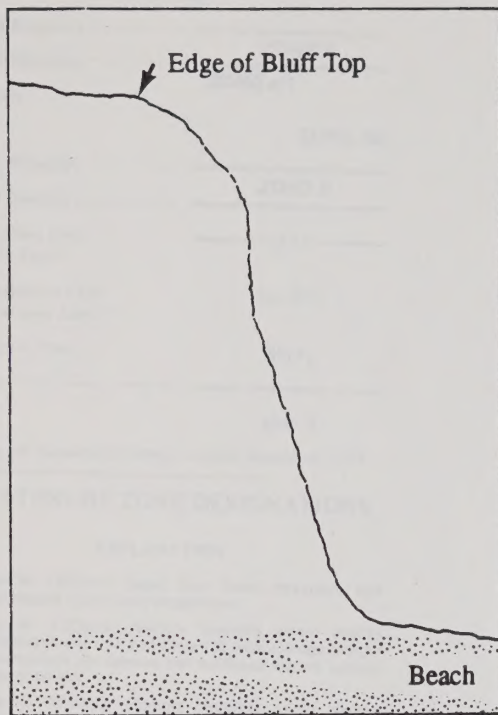


Figure III-D
Typical Coastal Bluff Sections

KEY TO MAP

500-Year Flood Boundary	—————	ZONE B
100-Year Flood Boundary	—————	ZONE A1
Zone Designations		ZONE A5
100-Year Flood Boundary	—————	ZONE B
500-Year Flood Boundary	—————	ZONE B
Base Flood Elevation Line With Elevation In Feet**	~~~~~513~~~~~	
Base Flood Elevation in Feet Where Uniform Within Zone**	(EL 987)	
Elevation Reference Mark	RM7X	
Zone D Boundary	—————	
River Mile	•M1.5	

** Referenced to the National Geodetic Vertical Datum of 1929

EXPLANATION OF ZONE DESIGNATIONS

ZONE	EXPLANATION
A	Areas of 100-year flood; base flood elevations and flood hazard factors not determined.
A0	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.
AH	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.
A1-A30	Areas of 100-year flood; base flood elevations and flood hazard factors determined.
A99	Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.
B	Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)
C	Areas of minimal flooding. (No shading)
D	Areas of undetermined, but possible, flood hazards.
V	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.
V1-V30	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

NOTES TO USER

Certain areas not in the special flood hazard areas (zones A and V) may be protected by flood control structures.

This map is for flood insurance purposes only; it does not necessarily show all areas subject to flooding in the community or all planimetric features outside special flood hazard areas.

Coastal base flood elevations apply only landward of the shoreline shown on this map.



DESCRIPTION OF LOCATION
U.S. Coast and Geodetic Survey standard disk stamped "W 131 1933", set vertically in the west wall of the Atchison, Topoka & Santa Fe Railway station between two windows, south of the waiting room door and four feet above the ground.
U.S. Coast and Geodetic Survey standard disk stamped "V 131 1933", located 0.3 mile north along the Atchison, Topoka & Santa Fe Railway from the station at Del Mar, at an overhead highway crossing, west of the track, in the east side of the north concrete pier, set vertically two feet above the track.

PACIFIC OCEAN



REFERENCE MARK	ELEVATION (FT. NGVD)
RM1	42.244
RM2	21.033

ELEVATION REFERENCE MARKS

DESCRIPTION OF LOCATION
U.S. Coast and Geodetic Survey standard disk stamped "W 131 1933", set vertically in the west wall of the Atchison, Topoka & Santa Fe Railway station between two windows, south of the waiting room door and four feet above the ground.
U.S. Coast and Geodetic Survey standard disk stamped "V 131 1933", located 0.3 mile north along the Atchison, Topoka & Santa Fe Railway from the station at Del Mar, at an overhead highway crossing, west of the track, in the east side of the north concrete pier, set vertically two feet above the track.

Pacific Ocean

FLOODPLAIN OVERLAY ZONE

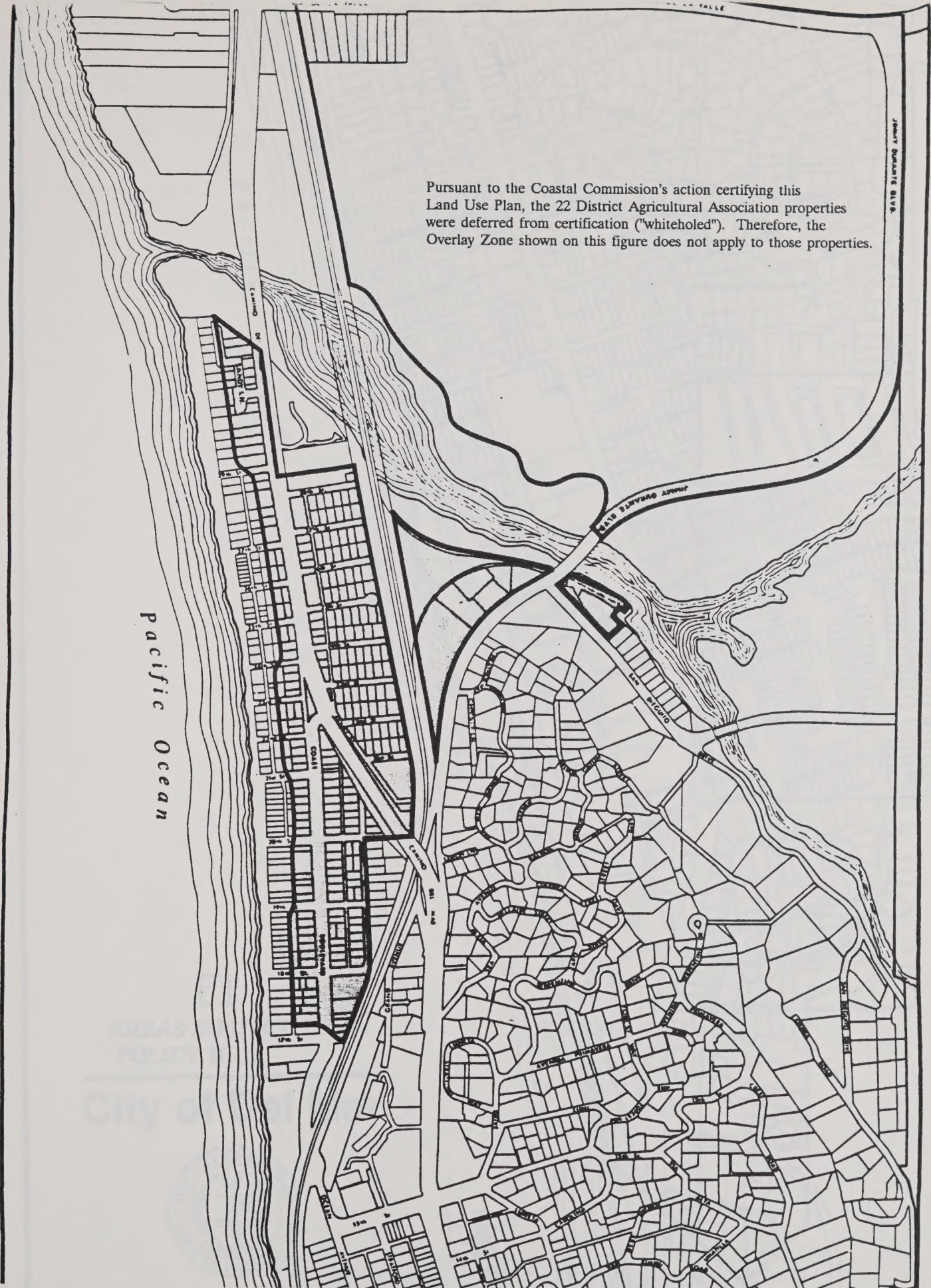
City of Del Mar



Figure III-F Floodplain Overlay Zone

Pursuant to the Coastal Commission's action certifying this Land Use Plan, the 22 District Agricultural Association properties were deferred from certification ("whiteholed"). Therefore, the Overlay Zone shown on this figure does not apply to those properties.

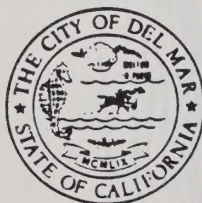
Pacific Ocean

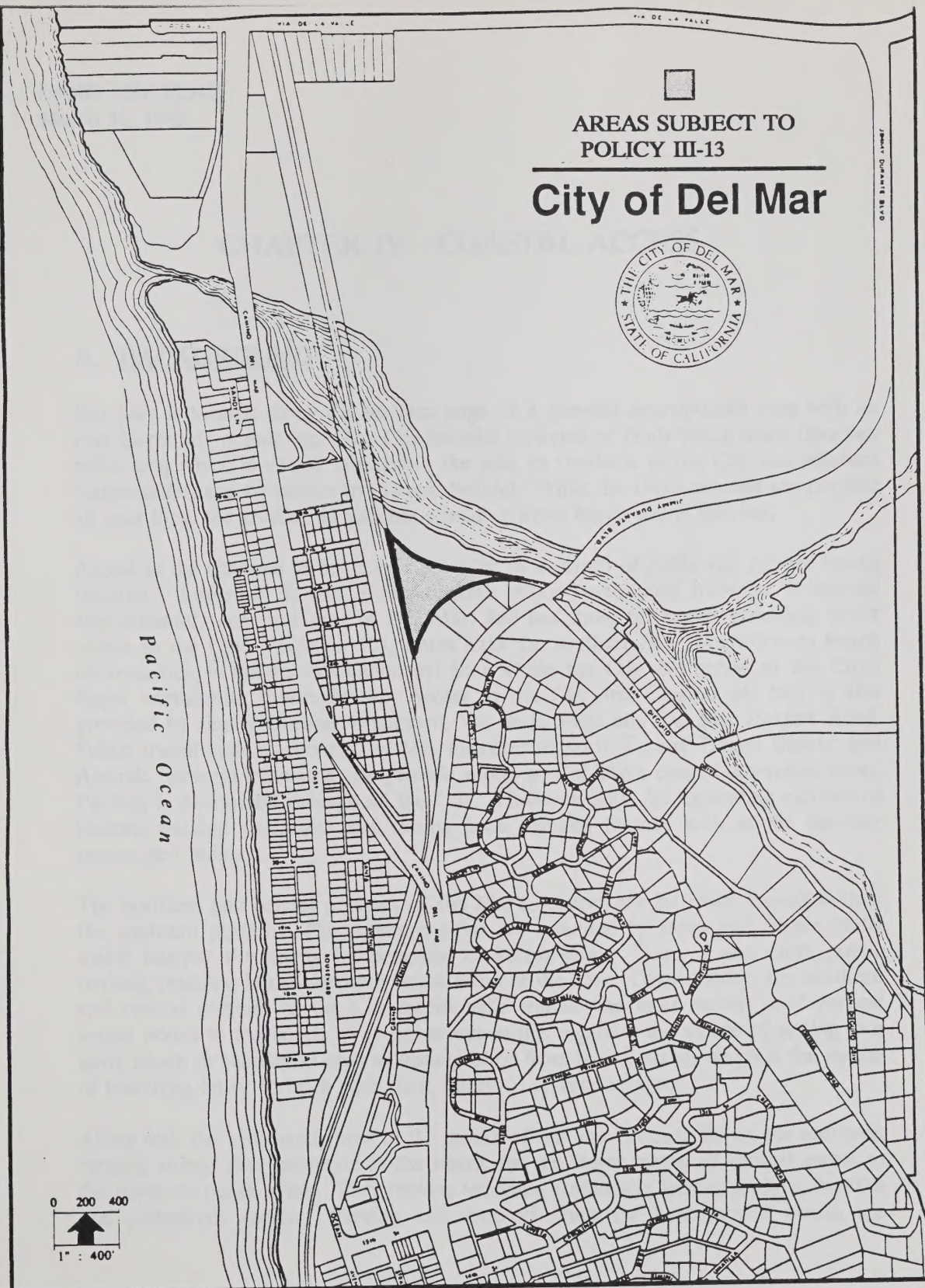


AREAS SUBJECT TO POLICY III-13



City of Del Mar





Revised 3/18/93

Figure III-G Areas Subject to Policy III-13

CHAPTER IV - COASTAL ACCESS

A. BACKGROUND

Del Mar is located along the western edge of a growing metropolitan area with an ever-increasing population. The City includes a stretch of sandy beach more than two miles long which is visited throughout the year by residents of the City and adjacent communities, and by visitors from areas beyond. While the City's beaches are popular all year long, the traditional summer season is when beach use is heaviest.

Access to the City and its beaches is provided by a variety of public and private transit facilities. Interstate 5, one of the region's major north/south freeways, is located approximately one mile east of Del Mar, and has three off ramps providing direct access to the City. Highway 101, which links the northern San Diego County beach communities, is known as Camino del Mar within the City and serves as the City's major north/south thoroughfare. Access to the City and Camino del Mar is also provided by Jimmy Durante Boulevard, Via de la Valle and Del Mar Heights Road. Public transit systems serving Del Mar include the North County Transit District and Amtrak. Several bikepaths also provide access to Del Mar's coastal recreation areas. Parking is distributed throughout the City. However, with the expanding number of visitors, parking shortages arise during peak demand periods such as the summer season and holidays.

The northern and central portions of Del Mar's beaches are far more accessible than the southern portions. The southern areas are bounded by steep and fragile bluffs which hamper the ability for provision of access-ways. There is also more public parking available in the northern beach areas of the City. Consequently, the northern and central portions of the City traditionally contain the most heavily used vertical access points to the beach. Vertical access in this regard is the means of getting to a path, beach or recreation area as distinguished from lateral access which is the means of travelling on or through such park, beach or recreation areas.

Along with the wide sandy area at the mouth of the San Dieguito River, the east-west running streets that terminate at the beach are the major means of vertical access to the northern beach areas. They provide vehicular circulation, limited parking facilities and pedestrian access. Parking and drop-off areas for handicapped access are

LAND USE PLAN

March 18, 1993

provided at 15th, 17th, 20th, and 25th Streets. Pathways from Seagrove and Powerhouse Parks also provide handicapped access to the central beach area.

The railroad right-of-way along the cliffs separates residential development from the ocean front along the length of the southerly portion of the City. The east-west streets end at the railroad tracks where vertical pedestrian access to the beach is available but constrained and limited by the steep bluffs.

A number of lateral access paths run generally parallel to the shoreline at the top of the bluffs along the railroad tracks between Seagrove Park and Carmel Valley Road. Portions of these paths lie within the right-of-way of the AT&SF Railway. The other portions of these paths lie within areas owned publicly by the City of Del Mar and the State of California. Although this access has not been formalized in terms of a recorded easement, it has been and continues to be used by many on a daily basis. This informal but continuous use of trails also occurs at various locations along the shorelines of San Dieguito and Los Penasquitos Lagoons.

This chapter contains a number of policies aimed at formalizing the use of the trails along the railroad tracks in the southern portion of the City and along the lagoon shores. In each case, the goals and policies for providing long term use of such accessways and the provision of improvements within them is tempered by the need to preserve the fragile resources within the respective areas and to protect the safety, rights and privacy of residents who live in the area. It is the City's policy to encourage and facilitate vertical access to sandy beach areas only from safe vertical access points.

Portions of Del Mar's northern beach area have historically been preempted from public use by shoreline protection structures and private uses. Since this area is where vertical public access is the greatest, the issue of lateral access to the beach, has become an important one. Numerous seawalls and patios have been built or constructed through the years, creating a varied access pattern in the beach area between 17th and 27th Streets.

While seawalls are often beneficial to protect private property and associated improvements, they also have direct and indirect effects on the public use of the beach. In a few areas along Del Mar's beaches, the private property lines extend to the mean high water line, which fluctuates. However, in most areas the private property lines are located well east (landward) of the mean high water line with public ownership of the sandy beach. The areas of property which are publicly owned by virtue of (State) high water claims are determined through review by the California State Lands Commission.

Where the supply of sand has been substantially reduced through manmade phenomena (such as upstream dams and seawalls along beach areas), the shoreline profile and mean high water mark are altered. This change in sand profile affects public interests in a variety of ways. First, the change in the shoreline profile may alter the areas of private and public ownership that are based on variable high tide lines rather than fixed points. Second, when a beach is changed such that it rests at an angle which is steeper than previously, the usable area available to the public is reduced. Third, the obstruction of sand bar material and resultant high energy waves may result in an irretrievable loss of sand, again reducing the size of the public beach. Fourth, seawalls can cause cumulative regional effects by increasing erosion on adjacent public beaches. Fifth, seawalls interfere directly with public access by creating physical barriers to pedestrian movement unless vertical access is provided. Sixth, continuous seawalls can create a psychological barrier by reducing the visual attractiveness of the beach or by creating the impression of private ownership. Finally, the placement of structures or seawalls adjacent to public beaches has the potential for creating use conflicts between private residents and beach users. Unless adequate design and signage is incorporated into their construction, private use encroachments onto the sandy beach can create situations in which landowners intimidate the public and seek to prevent them from using public areas.

In an effort to provide a long range comprehensive solution to balance the needs of private property owners for protection of their property and the need to assure maximum public access opportunities, the Del Mar Beach Preservation Initiative (Measure D) was placed on the April 12, 1988 ballot. The citizens of Del Mar voted to adopt the initiative which has since become known as the Beach Overlay Zone Ordinance. This ordinance establishes a "Shoreline Protection Area" where no development may occur except such privately owned protective structures, publicly owned protective structures and publicly owned development authorized, constructed and maintained in accordance with the conditions of a Shoreline Protection Permit. The ordinance also contains specific criteria to be used in the issuance of Shoreline Protection Permits and provisions for the removal of noncomplying development.

The provisions of the Beach Overlay Zone Ordinance have been incorporated into this Land Use Plan. This assures that the risks to ocean front development are minimized and that the opportunities for public access to and along the shoreline are provided to the maximum extent, consistent with the goals of the City and the requirements of the Coastal Act. The policies of the BOZO are found in their entirety in Chapter III of this Land Use Plan entitled "Hazard Control". Rather than repeating those policies here, they are incorporated into this chapter by reference. Any development project involving property located on or along the shoreline shall be

subject to the policies of this Land Use Plan, inclusive of the applicable policies of the Beach Overlay Zone.

Visual access to the coastal areas is available from all beach and lagoon areas. In addition, there are a number of visual access corridors which provide views to the ocean, beaches, bluffs, and coastal canyons from upland areas within the City. In addition to the policies of this Land Use Plan which serve to protect the most significant public views, Del Mar's Design Review Ordinance provides for the protection of additional views from public areas and private residences and business. The City finds that the protection and provision of visual access to the coastline and other scenic vistas, and preservation of the significant natural features of the City is paramount to the overall goal of protecting the scenic and natural resources which characterize the City. The policies below reflect those desires.

B. GOALS AND POLICIES

GOAL IV-A:

Provide physical and visual access to coastal recreation areas for all segments of the population without creating a public safety concern, overburdening the City's public improvements, degrading the City's natural resources, or causing substantial adverse impacts to adjacent private properties.

Policies:

IV-1 The Regulations of the Beach Overlay Zone contained within Chapter III of this Land Use Plan shall be implemented for all projects, where applicable. Project applications for development within the Beach Overlay Zone shall be conditioned to assure that access opportunities are maintained during the construction phase of the project.

IV-2 In order to minimize impediments to lateral beach access, the City shall continue to limit the storage of privately owned recreational materials on the public beach; prohibit the use of private (motorized) vehicles on the public beach; and limit the beaching of boats to sailing and other non-motorized vessels and only on a temporary basis. The City shall also prohibit the beaching of all motorized vessels, providing that dinghies from large sailing vessels may be permitted, pursuant to traditional sailing laws and subject to the discretion of the Director of Community Services.

- IV-3 Lateral and vertical access ways to and along the shoreline shall be located where they can safely accommodate public use, and shall be distributed throughout the City as much as possible to prevent overcrowding or degradation of resources, minimize parking and traffic congestion, and the misuse of coastal resources. Once constructed, accessways shall be maintained by the property owner and/or developer of the property on which such access is located unless such responsibility is assumed by the City or other appropriate public agency. When such maintenance is required of a (private) property owner or developer, the requirement for on-going maintenance shall be included in an agreement which is to be submitted as a condition of development and recorded against the deed for the property.
- IV-4 The City shall cooperate with the California State Lands Commission to identify public ownership and public use rights in the San Dieguito Lagoon and tidelands, and restrict uses therein to those consistent with such public rights.
- IV-5 The granting of continuous public access trail easements and the requirement for provision of access improvements within them shall be attached as conditions of development within appropriately designated areas. These areas are located along the beach, the shores of the San Dieguito River/Lagoon, and through and along various hill and canyon areas as shown on Figure IV-A. Said requirements shall be reviewed for consistency with the other policies of this Land Use Plan to ensure that with the provision of public access:
- a. Natural systems are disturbed as little as possible;
 - b. Such uses do not diminish resource values;
 - c. Access is controlled and sited to minimize impact on wildlife and sensitive habitat areas; and
 - d. Fencing or vegetated berming is provided between areas of human activity and sensitive habitat areas where applicable.

In addition to the existing and potential trail alignments shown on Figure IV-A, there may be other appropriate locations for the provision of new or realigned trail sections identified through the review of development

IV-5 permit applications. When identified, such potential trail alignments may be subject to the provision of access easements and improvements as conditions of development. The review and application of conditions shall be in the same manner as that prescribed above for trails identified in Figure IV-A.

IV-6 When new accessways are proposed or required, they shall be sited and constructed to:

- a. Minimize alteration of natural landforms, conform to the existing contours of the land, minimize erosion and siltation, and be subordinate to the character of their setting;
- b. Prevent unwarranted hazards to the land and public safety;
- c. Provide for the privacy of adjoining properties and to minimize conflicts with adjacent or nearby established uses;
- d. Prevent misuse of environmentally sensitive areas, including the provision of access control fencing or barriers along trails adjacent to sensitive habitat where appropriate; and
- e. Correct abuses resulting from existing trail or access way use.

IV-7 Access ways may vary in width and design, depending on factors such as type of access way, topography, and proximity of the access way to developed areas or major support facilities. However, to allow for flexibility of design and changing landforms, the dedicated easements within which improved pathways are to be constructed shall be a minimum of ten feet in width. Factors such as anticipated intensity of use and the requirement for the provision of a landscape buffer area may necessitate an easement of greater width.

IV-8 Access improvements should be no wider than necessary to accommodate the numbers and types of users that can reasonably be expected.

IV-9 Improved vertical access ways to the beach and trailhead areas shall include appropriate support facilities such as trash receptacles and bicycle racks as determined necessary.

- IV-10 Vertical access improvements shall include the placement of appropriate facilities such as stairways and/or ramps to assure ease of access opportunities. Said improvements shall also include the installation of fencing and/or landscape buffers as necessary to ensure the privacy and security of the owners and residents of adjacent properties.
- IV-11 Depending on individual site considerations, vertical access-ways, when located on private property adjacent to residential uses, may be restricted to use during daylight hours only.
- IV-12 Unless otherwise specifically stated, designated access paths are intended for use by pedestrians only. Where appropriate to protect adjacent sensitive resources, access paths shall be signed to indicate their "pedestrian only" status. If deemed necessary, such paths shall be fitted with physical impediments to prevent use by bicycles and motorized vehicles. For purposes of this Land Use Plan, "pedestrian use" shall include access by wheelchairs and other similar handicap apparatus.
- IV-13 Lateral access-ways along the shoreline should include the maximum amount of sandy area consistent with the provisions of the Beach Overlay Zone policies.
- IV-14 Priority shall be given to gaining and improving access-ways located in proximity to public parking areas and public transportation routes. The use of these accessways shall be encouraged through the installation of appropriate signage. Said signage shall indicate, where applicable, the existence and location of nearby public parking areas.

GOAL IV-B:

Give priority to pedestrian and bicycle traffic as opposed to automobile traffic through application of the following policies and pursue the increased use of alternate transportation modes to regionally significant areas within Del Mar. Examples of "alternate transportation modes" include: bicycle, pedestrian, bus, shuttle service, and railroad.

Policies:

- IV-15 Retain and maintain existing bikeways including those along Coast Boulevard, Camino del Mar, Jimmy Durante Boulevard and Via de la Valle.

- IV-16 Improve the safety of Camino del Mar pedestrian crossings, particularly in the north and south ends of the community where such crossings provide for direct beach access.
- IV-17 The City shall continue to encourage the use of bicycles for transportation to coastal recreation areas. The City shall also promote the installation of bicycle racks at intermittent locations along designated bicycle routes including at various locations along the beach and lagoon areas as well at the following locations: the Del Mar Plaza, the Inn L'Auberge, Stratford Square, Canterbury Corner, City Hall, the Lifeguard Stations at 17th, 20th and 25th Streets, Seagrove Park, Powerhouse Park, the western terminus of 11th Street, and along Camino del Mar in the vicinity of Carmel Valley Road.
- IV-18 Cooperate with other local, State and Federal agencies in developing a system of pedestrian trails and bicycle paths that would link together coastal recreation areas such as the beaches, Crest Canyon, San Dieguito Lagoon, and Los Penasquitos Lagoon.
- IV-19 The improvement or establishment of alternative transportation modes shall be designed to assure protection of sensitive resources and the retention of the small-town scenic qualities of Del Mar.
- IV-20 Pursue the use of County, State and Federal funds for the development and improvement of public access-ways whenever possible.
- IV-21 As funds permit, the City should acquire permanent rights-of-way and/or easements for pedestrian access from the bluffs to the beach as deemed appropriate to protect fragile resources and preserve the privacy of neighbors.

GOAL IV-C:

Preserve existing views and view corridors from public vantage points to the maximum extent possible without preventing reasonable use of private property.

Policies:

- IV-22** Enhance public improvements along appropriate bluff top areas which provide significant scenic vistas when such improvements are not in conflict with bluff preservation policies. Improvements shall include the installation of benches for scenic viewing at the western terminus of 11th, 8th and 4th Streets and along the upper bluff area south of Del Mar Canyon.

All bluff top improvements shall be consistent with the goals and policies of Chapter III of this Land Use Plan regarding the preservation of fragile coastal bluff systems and the minimizing of hazardous conditions.

- IV-23** Retain the bluff top areas west of the railroad right of way between the southern border of the City and 15th Street in an open space condition to provide panoramic ocean views; to provide lateral access along the coastal bluff top and to preserve and protect the adjacent fragile and scenic bluffs.

- IV-24** Preserve views of the Pacific Ocean from Camino del Mar through the application of scenic view easements and related view preservation restrictions for development proposals located along the west side of this roadway. In order to preserve such views from Camino del Mar, structures on properties fronting the west side of this roadway within the Central Commercial, Professional Commercial or Visitor Commercial designations shall not exceed a height of 14 feet above the adjacent curb level of Camino del Mar.

- IV-25** Preserve views of the Los Penasquitos Lagoon and Pacific Ocean from Carmel Valley Road through the application of scenic view easements and related view preservation restrictions for any development proposals located along the south side of the roadway within scenic view corridors.

- IV-26** Retain and enhance the views of San Dieguito Lagoon along Jimmy Durante Boulevard and San Dieguito Drive through the application of scenic view easements and related view preservation restrictions for any development proposals located along the sides of such roadways within scenic view corridors.

IV-27 Continue to implement the process of design review for new construction projects in order to preserve views of community-wide importance and enhance the small-town village atmosphere of Del Mar.

IV-28 In order to protect the scenic resources of the City, no roof top signs shall be allowed. Freestanding monument signs shall be allowed but shall be limited to a maximum height of three feet in cases where front-yard buildings setbacks of less than 20 feet are provided and 8 feet in cases where frontyard building setbacks of 20 feet or greater are provided. Freestanding pole or roof signs are not permitted. In addition, all new development or redevelopment shall provide a minimum of 15% landscape coverage for commercial sites and 30% landscape coverage for residential sites.

GOAL IV-D:

Maximize the opportunity for access to beach areas by minimizing competition for public on-street parking spaces.

Policies:

IV-29 Complete and update an established inventory of existing parking areas in order to develop and implement an overall parking management and improvement plan for the City. This update includes the additional public parking which has been provided by the following projects:

The provision of 60 public spaces at the Del Mar Hotel (Inn L'auberge); the reconfiguration of public parking at numerous locations along the Coast Boulevard right of way; the reconfiguration and formalization of public parking at the site of the Seagrove Parking lot on Coast Boulevard; and the reconfiguration of public parking spaces along the Camino del Mar right of way in the City's Central Commercial area. With these improvements, approximately 120 new public parking spaces have been made available to the public.

This inventory and parking management plan shall be revised periodically to reflect current conditions. In the development of any new parking areas, preference should be given to small, dispersed parking areas rather than large concentrated parking lots, except in the cases of parking associated with commercial activities and park-and-ride lots. Parking areas

and the stalls and travel lanes within them shall be of a suitable size and shall be well landscaped, including the provisions of a minimum five (5) foot landscape buffer in any new exposed parking area fronting a public street. The buffer shall include trees and shrubs of sufficient size to screen the paved parking area from passing pedestrians and vehicles, with the exception that existing ocean views across such a site shall be maintained.

IV-30 The City shall apply the following Off-Street Parking Regulations to new projects and redevelopment projects to assure that the parking needs generated by new development are provided on site.

OFF-STREET PARKING REGULATIONS

Unless otherwise provided herein, the minimum parking standards for uses City-wide shall be as shown below. Additional off-parking standards for projects or uses located within the areas designated as Central Commercial on the Land Use Map (Figure II-A) are contained at the end of this policy section.

Automobile service stations and repair garages:

2 spaces for each service bay plus 1 space for each employee on the largest shift, plus 1 space for each vehicle operated or kept in connection with the use.

Banks, savings and loans, financial institutions:

1 space for each 300 sq. ft. of gross floor area.

Child care centers:

1 space for each 2 employees plus 1 space for each 5 children the facility is designed to accommodate.

Church, theaters, auditoriums, other places of public assembly:

1 space for each 5 seats (18 lineal inches of bench seating or for each 7 sq. ft. of floor area devoted to seating where there are no permanent seats).

Dwelling Units:

(a) Single family

a. Two garage parking spaces for each dwelling unit.

b. For each dwelling with four or more bedrooms, garage parking for two automobiles with additional on-site parking for one automobile, or garage parking for three automobiles.

(b) Multiple-family

(1) For each studio or one bedroom unit

a. Garage parking for one automobile.

(2) For each two or three bedroom unit

b. Garage parking for one automobile with on-site parking for one additional automobile, or garage parking for two automobiles.

(3) For each four or more bedroom unit

c. Garage parking for two automobiles with additional on-site parking for one automobile, or garage parking for three automobiles.

Furniture and appliance sales:

1 space for each 600 sq. ft. of gross floor area, plus 1 space for each vehicle operated in connection with the use.

Hotels, motels, and auto courts

(a) without kitchen facilities

1 space for each sleeping or dwelling unit.

(b) with kitchen facilities

2 spaces for each sleeping or dwelling unit.

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Library and museum:	1 space for each 250 sq. ft. of gross floor area.
Manufacturing and industrial uses, research laboratories, creamery and bottling establishment, canneries, wholesale printing and engraving shops:	1 space for each 500 sq. ft. of gross floor area, plus 1 space for each vehicle operated or kept in connection with the use.
Mobile home parks, trailer parks:	1-1/2 spaces for each mobile home or trailer site.
Mortuaries, funeral homes, commercial chapels:	1 space for each 50 sq. ft. assembly room floor area.
Office--Professional and business offices, other than medical, dental and clinical (and when not located in areas designated as Central Commercial):	1 space for each 300 sq. ft. of gross floor area.
Office--Medical, dental, and clinical:	1 space for each 200 sq. ft. of gross floor area.
Post offices:	1 space for each 300 sq. ft. of gross floor area, plus 1 space for each vehicle operated or kept in connection with the use.
Public utilities:	1 space for each 2 employees on the largest shift, plus 1 space for each vehicle operated or kept in connection with the use.
Restaurants, bars, as well as other establishments whose primary business is the sale and on-site consumption of food and/or beverages	

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(a) having less than 4,000 sq. ft. of gross floor area:

1 space for each 90 sq. ft. of gross floor area and all outdoor space, covered or uncovered, used for any restaurant purpose.

(b) having 4,000 or more sq. ft. of gross floor area:

44 spaces plus 1 for each 45 sq. ft. of gross floor area in excess of 4,000 sq. ft. and all outdoor space, covered or uncovered, used for any restaurant purpose.

Retail commercial, business and personal service

(a) having not more than 5,000 sq. ft. of gross floor area:

1 space for each 300 sq. ft. of gross floor area.

(b) having more than 5,000 but not more than 20,000 sq. ft. of gross floor area:

17 spaces plus 1 space for each 150 sq. ft. of gross floor area in excess of 5,000 sq. ft.

(c) having more than 20,000 sq. ft. of gross floor area:

117 spaces plus 1 space for each 100 sq. ft. of gross floor area in excess of 20,000 sq.ft.

Schools

(a) Elementary and junior high schools:

1 space for each employee plus 5 additional spaces; playground area available for parking may be used to satisfy additional auditorium parking requirements.

(b) High schools, vocational schools, and adult extension schools:

1 space for each 5 students plus auditorium parking as applicable.

(c) Colleges and universities:

1 space for each 3 students plus auditorium parking as applicable.

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Warehouse and storage facilities:	1 space for each 1,000 sq. ft. of gross floor area:
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The following off-street parking standards shall apply for the particular uses identified below when such uses are located on properties designated as Central Commercial on the Land Use Map (Figure II-A). When a particular use is not identified below, such use, when located on property designated as Central Commercial, shall conform to the city-wide off-street parking standards cited above.

Office	1 space for each 250 sq. ft. of gross floor area
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Real estate office	1 space for each 200 sq. ft. of gross floor area
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When the provisions of this chapter require a fractional part of an automobile parking space, a remaining fraction of one-half space or more shall be construed as one space; a remaining fraction of less than one-half space shall be disregarded.

A shared use reduction in the number of required off-street parking spaces shall be allowed if it is demonstrated that at least 30% of the floor area of the project for which off-street parking is required will be operated or otherwise used only during the times of the day(s) when the remaining 70% of the floor area of the project will not be operated or otherwise used.

Said reduction shall be allowed for a maximum of 15% of the total required off-street parking spaces for the project.

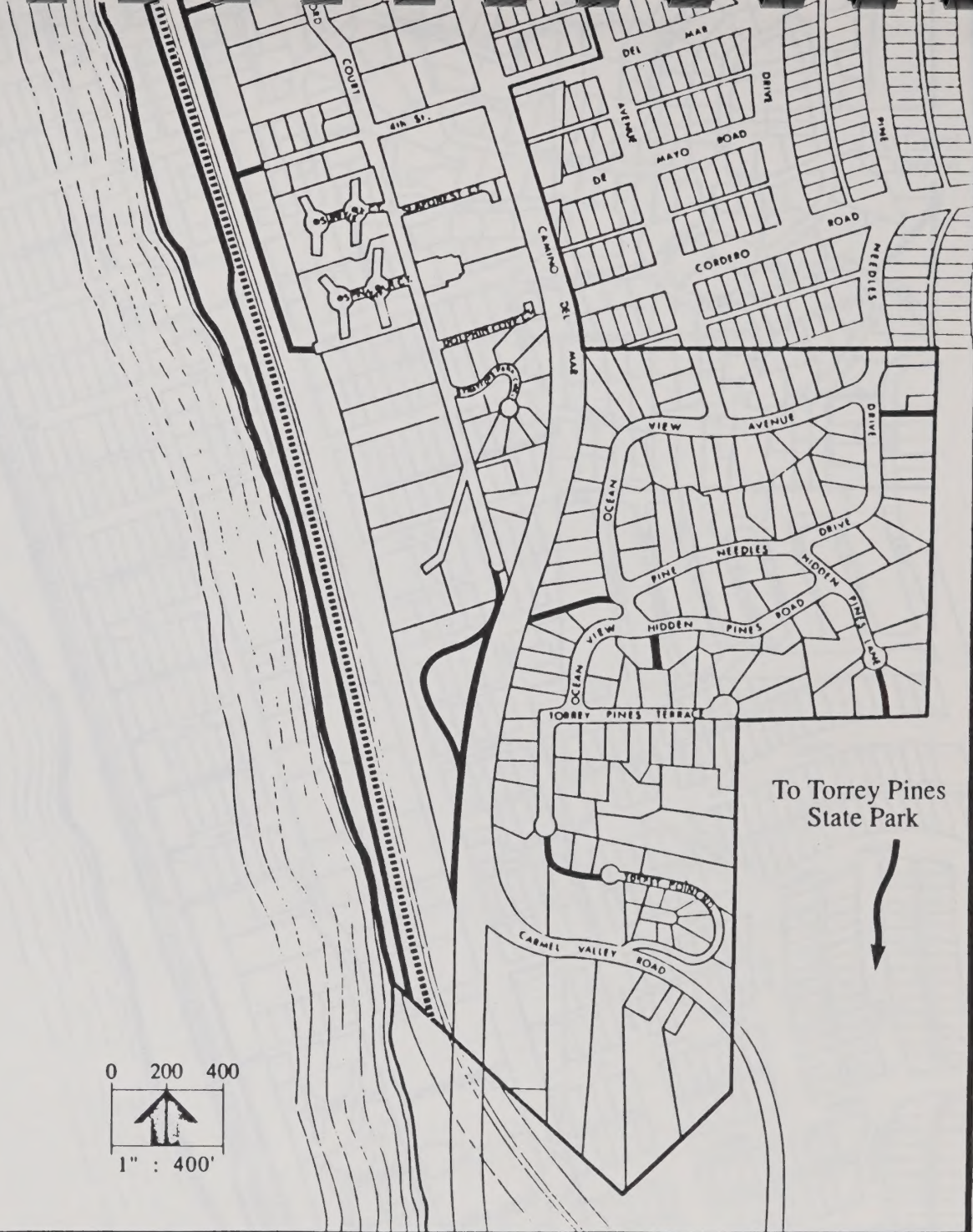
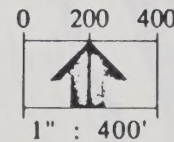
Where a shared use parking reduction is allowed pursuant to subsection a. of this policy, the hours of operation that are proposed, and on which the shared use reduction is allowed, shall be enforced through the recordation of a deed restriction for all properties comprising the project site.

Existing Pedestrian Path —————
 Future Pedestrian Path

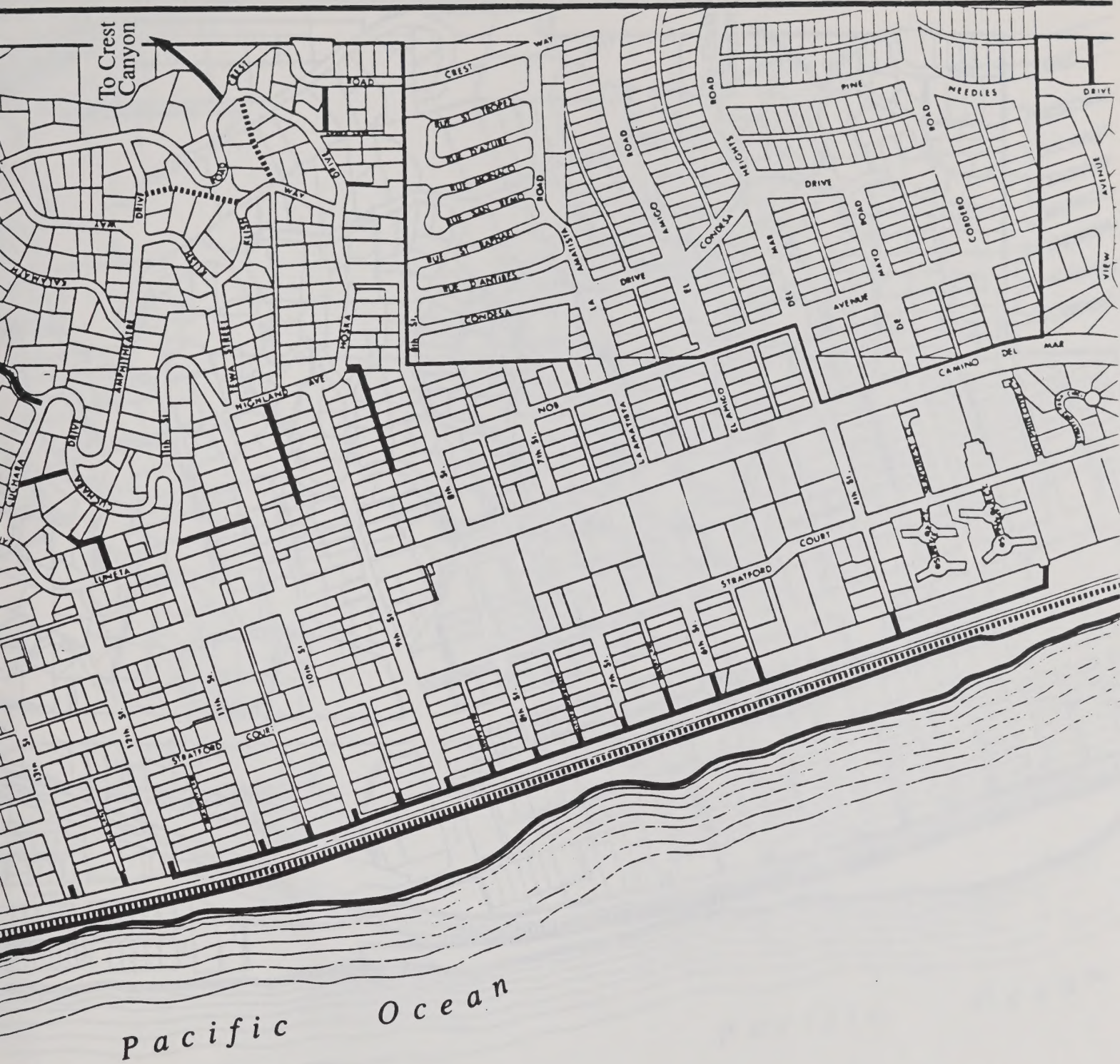
PUBLIC ACCESS TRAILS

LOCATION OF EXISTING AND
 PROPOSED PEDESTRIAN PATHS

City of Del Mar



To Torrey Pines
 State Park

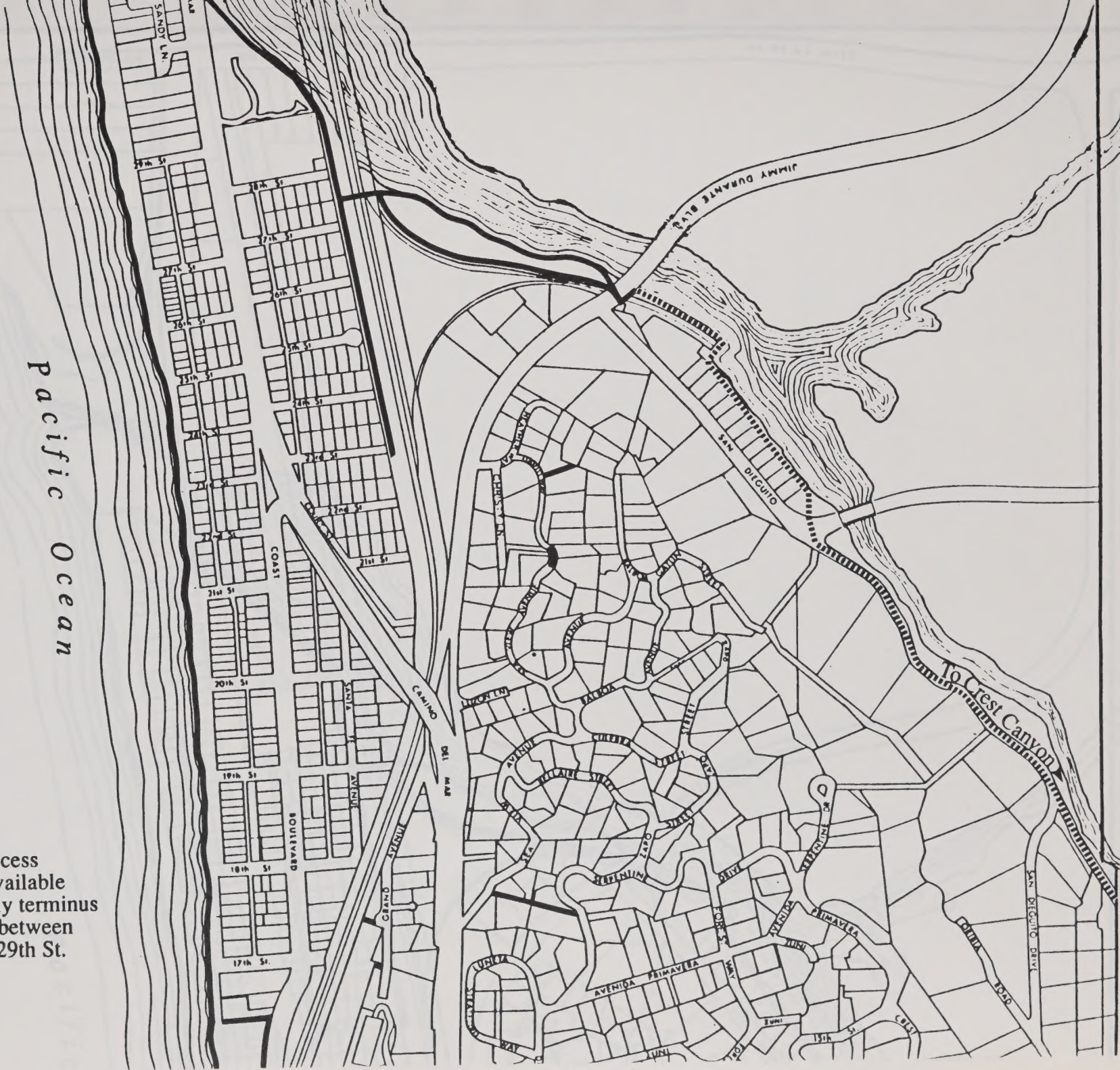


Pedestrian access
to beach is available
at the westerly terminus
of all streets between
17th St. and 29th St.

Pacific Ocean



Pacific Ocean



JIMMY DURANTE BLVD.

VIA DE LA VALLE

VIA DE LA VALLE

BORDER AVE

JIMMY DURANTE BLVD.

CAMINO DEL MAR

SANDY LN.

Pacific

Figure IV-A Public Access Trails (Cont.)

CHAPTER V - RECREATIONAL OPPORTUNITIES

A. BACKGROUND

The north coastal area of San Diego County offers a multitude of recreational opportunities for people of all interests and ages. There are a great number and variety of passive and active recreational parks and facilities, nature reserves, and equestrian paths located just outside of the City's boundaries. Additionally, there are numerous visitor serving facilities such as hotels and restaurants which are also located just beyond the City boundaries but which serve the needs of visitors to the City and its popular beach areas.

Within the City itself, publicly used beach areas, Seagrove Park and Powerhouse Park provide active recreational opportunities for the population of the City and the region beyond. The City of Del Mar also owns an approximately seven acre portion of Crest Canyon, the remainder of which is owned and maintained by the City of San Diego. This canyon is tributary to the San Dieguito River floodplain and Lagoon, and is part of a regional open space system within the City of San Diego. Other passive recreational areas include the Ahmanson and Scripps Bluff Preserves and the Del Mar Canyon which are located along the City's southern and northern coastal bluffs.

Also located within the City's boundaries is the 22nd District Agricultural Association which operates the Del Mar Fairgrounds. The Fairgrounds is over 300 acres in size and is host to a variety of recreational events, including the Southern California Exposition, and a 43-day Thoroughbred Race Meet.

The San Dieguito Lagoon is a natural wetland of Statewide importance. The recent enhancement of portions of the lagoon was planned and constructed through the joint efforts of the City, the California Department of Fish and Game, and the State Coastal Conservancy. Much of the lagoon and river floodplain also lie within the focused planning area of the proposed San Dieguito River Valley Regional Open Space Park.

A large area of land just south of Del Mar, within the Los Penasquitos floodplain, is designated as regional open space. That open space corridor would ultimately connect Los Penasquitos Lagoon with Los Penasquitos Canyon Regional Park.

Although the City does not provide a formal recreation program, Del Mar abounds with recreational activities, most of which require little in the way of improved facilities. Jogging, hiking, beach-walking, surfing, surf-fishing, and biking are all popular and are engaged in year round. Organized recreational activities in Del Mar include: surfing contests sponsored by the National Scholastic Surfing Association; the Del Mar Longboard Surfing contest sponsored annually by the Del Mar Lifeguard Association; the World Beach Bocce Tournament; a variety of recreational programs offered at the Del Mar Shores school site; the Junior Lifeguard Program. In addition, the North Coast YMCA, the San Dieguito Boys and Girls Club, and Torrey Pines High School, among others use Del Mar and its beaches for a variety of recreational events.

Aside from the wide sandy beach, Del Mar's most prominent and popular recreation areas are Seagrove and Powerhouse Parks, located adjacent to the beach near the City's commercial core. These facilities provide a children's playground and public meeting area of unsurpassed beauty. These park areas also serve as the home of an outdoor concert series sponsored by the Del Mar Foundation. The redevelopment of the existing Powerhouse Building as a community recreation/meeting facility is currently underway.

Active recreation facilities include the City owned tennis courts located just south of 21st Street, east of Camino del Mar. The City also maintains numerous open space areas which provide places for informal, and generally passive, recreation activities in natural settings. The general location of both the active and passive recreation areas in Del Mar is shown on Figure V-A.

A number of recreation oriented businesses have been located in the City including: a hot air balloon flight business, bicycle shops, surf shops, sporting goods stores, and a diving center. Although the actual businesses change from time to time, a large number of recreation oriented businesses have traditionally been located in the central commercial area. This is due to the market forces of business in a beach area. Other visitor-serving facilities in Del Mar include numerous hotels, motels and restaurants.

Tourism and regional recreation needs play a significant role in the use of Del Mar's beaches and other recreation areas. The attraction to these areas and to the Del Mar Fairgrounds brings an influx of visitors to an already popular beach community. Del Mar's recreation areas are serving far more than just its resident population. As the regional population increases, particularly in the North County areas, so too will recreational demands upon the City of Del Mar.

B. GOALS AND OBJECTIVES

GOAL V-A:

It is the goal of the City to provide a system of public parks and recreational facilities that will support the year-round needs of both residents and visitors to the area. The parks and recreation system shall encompass a full range of activities for people of all ages, physical conditions, and socio-economic situations. The Park and Recreation System shall closely interrelate with other recreation facilities and areas within the region and provide for outdoor recreational opportunities that are compatible with the unique character of the City and the sensitive habitat it contains.

Policies:

- V-1 The City shall implement a comprehensive program to preserve existing open space and recreation lands and where feasible acquire additional lands to meet the long-range needs of residents and visitors. This program shall be developed using the following criteria:
- a. Small "pocket parks", also known as "mini-parks", should be utilized in the largely developed areas of the City where land for larger parks is difficult to obtain.
 - b. Sites should be acquired and developed to provide for special recreation needs including passive and active recreation areas, nature areas, aquatic areas, athletic facilities, and pedestrian, equestrian, and bicycle trails.
 - c. Park and open space systems should be protected from adjacent land uses that may infringe on scenic views.
 - d. Park planning should be integrated with planning for open space, conservation, hiking, bicycle, and equestrian trails, regional parks, and scenic highways. Wherever practical, parks should be linked together by a system of trails and/or open space.

- V-2 The City shall cooperate with other jurisdictions in the acquisition and preservation of open space and recreation lands through the following:
- a. Encourage the expansion of nearby State and County parks, including continued cooperation with other local, State, and Federal agencies to implement the San Dieguito Lagoon Resource Enhancement Program and to improve the lagoon and the San Dieguito River Valley for use as a wildlife preserve.
 - b. Cooperate in the planning and implementation of the San Dieguito River Valley Regional Open Space Park and ensure that said park plan or that for any other park along the San Dieguito River:
 - i. Involves only the minimal amount of disturbance and impact to the natural terrain and ecosystem of the area necessary to provide access to and along the San Dieguito River Valley;
 - ii. Controls such access to minimize impacts on wildlife and sensitive habitat; and
 - iii. Provides fencing or vegetated berms between areas of human activity and sensitive habitat.
 - iv. Enlarges the San Dieguito Lagoon ecosystem to its former size stretching from the ocean towards El Camino Real on the east.
 - v. Restores a total, well-functioning ecological unit which includes: tidal flushing through a continuous or nearly continuous rivermouth opening, open waters, wetlands, uplands and bluffs.
 - vi. Establishes a link to Regional San Dieguito River Valley ecosystem and the ocean.
 - vii. Ensures a good quality freshwater flow from upstream in the San Dieguito River Channel.
 - viii. Protects, preserves and enhances the open valley by retaining open space and views of scenic topography and the ocean.

- ix. Protects, preserves and enhances the variety of natural features such as the Floodplain, the open waters of the lagoon and river, wetlands, marshlands, mudflats and uplands with their grassland, coastal sage and Torrey Pine trees.
 - x. Protect scenic viewsheds by retaining the open character of the uplands, low hills and sandstone bluffs.
- V-3 The City shall use innovative park and recreational facility design methods to balance the needs of residents and visitors to the community while minimizing the disturbance of natural resources. In doing so, the following policies shall be applied:
 - a. Parks shall be designed so as to preserve or enhance topographic and other natural site characteristics.
 - b. Native and drought-tolerant landscape materials shall be utilized in new and redeveloped park projects to reduce water consumption and maintenance costs.
- V-4 Bicycle and pedestrian access to recreation facilities, as opposed to automobile use, shall be encouraged, and priority shall be given to greenery and open space, as opposed to structures and paved areas. The use of private motorized vehicles on the public beach and parklands shall be prohibited.
- V-5 The City shall provide or shall coordinate the provision of public facilities in recreation areas, including:
 - a. Public restrooms at appropriate active public recreation areas which can be made safe and which discourage overnight camping use;
 - b. Lifeguard facilities;
 - c. Adequate public access improvements to provide access opportunities to and along Del Mar beach areas; and
 - d. A community recreation building.

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- V-6** Encourage private recreational uses which supplement public recreation areas.
- V-7** In order to promote the acquisition and development of parks and recreation lands commensurate with the added public demands for park facilities, the dedication of land for parks, the payment of "in lieu" park fees, or a combination thereof, shall continue to be required as conditions of subdivision applications, as set forth by City Council resolution.
- a. Lands dedicated and/or fees collected pursuant to the City's Park Land Dedication Ordinance shall be used to reduce the amount of public expenditures necessary to provide and maintain parks and recreation facilities. Where competing with potential private development, acquisition of proposed parks and recreation sites shall be given first priority, and development second priority, so that said lands are not lost as recreational opportunities for future generations.
 - b. Potential recreation lands should be acquired and/or developed as funds become available.
 - c. All monies in the Open Space Acquisition Fund shall be used to acquire or develop recreation areas within the City of Del Mar.
 - d. The City of Del Mar shall attempt to acquire property, as appropriate, to augment the San Dieguito Lagoon Resource Enhancement Program project and the San Dieguito River Valley Regional Open Space Park.
 - e. The City of Del Mar shall encourage the donation of interests in property for the purpose of providing passive and active park areas or the funds necessary to provide for improvements thereto by civic groups, individuals, and organizations.
 - f. The City of Del Mar shall pursue all avenues of funding for recreation land and facilities, including, but not limited to Federal Land and Water Conservation Fund matching grants and State Parks Bond, Open Space Bond Act and Park Land Bond Act monies.
 - g. The City of Del Mar shall encourage joint participation between non-profit service organizations and the City for development and maintenance of recreational facilities.

GOAL V-B:

Provide the public with quality overnight accommodations and other visitor-serving facilities which enhance the unique village character of the community.

Policies:

- V-8** Only visitor serving uses shall be developed or expanded on properties designated as VC (Visitor Commercial) or BC (Beach Commercial) on the Land Use Map of this document (Figure II-A).
- V-9** The City shall encourage the development of recreation related commercial activities within other appropriately zoned areas of the City in order to provide the citizens and visitors of the community a better variety and availability of recreational opportunities.
- V-10** The City shall ensure that development of visitor-serving facilities is compatible with surrounding development and is consistent with the policies of this Land Use Plan intended to preserve environmentally sensitive resources.

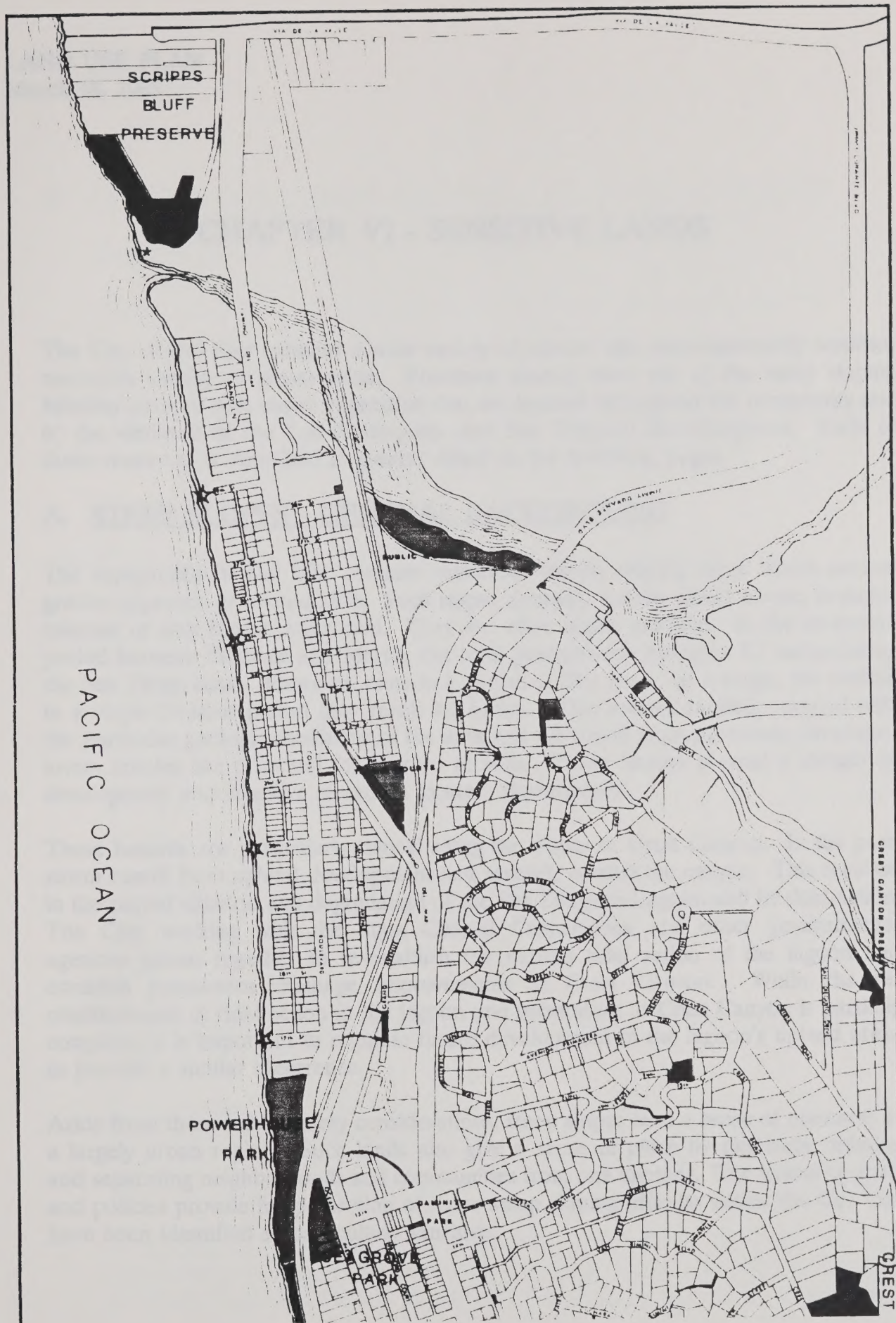


Figure V-A Location of Parks, Preserves and Open Space (Cont.)

CHAPTER VI - SENSITIVE LANDS

The City of Del Mar contains a wide variety of natural and environmentally sensitive resources worthy of preservation. Foremost among these are a) the steep sloping hillsides covered with native vegetation that are located throughout the community and b) the wetlands of the Los Penasquitos and San Dieguito River/Lagoons. Each of these resources is described in greater detail on the following pages.

A. STEEP SLOPES - GENERAL BACKGROUND

The topography of Del Mar contains numerous steeply sloping areas where natural grades approach or exceed 25%. Such slopes normally contain either native, drought-tolerant or only sparse vegetation. They are often highly erodible. In the six-month period between October and March, the total precipitation averages 9.5 inches along the San Diego coast. However, once in a period of fifty years, on average, the rainfall in a single 24-hour period may reach 4.5 inches. This intense rainfall, coupled with the particular geologic conditions of the area and the runoff from previously developed areas, creates the potential for erosion of soils. These factors present a danger to development and sensitive resources located "downstream".

These hazards are particularly critical along the slopes of Crest Canyon. In the past, storm runoff from upland development had severely eroded the canyon. This resulted in the partial siltation and degradation of the San Dieguito Lagoon and its tidal action. The City, working with the State Coastal Conservancy and other governmental agencies joined together to re-establish the natural tidal action of the lagoon and establish permanent drainage improvements in Crest Canyon. While the re-establishment of tidal action in the lagoon and restoration of Crest Canyon is partially complete, it is important to regulate future development in the lagoon's upland areas to prevent a similar recurrence.

Aside from these public safety considerations, steep slopes lend a sense of openness in a largely urban region. Such lands also give a sense of place by physically defining and separating neighborhoods and communities from one another. The following goals and policies provide for protection of those steep sloping hillsides within the City that have been identified as particularly sensitive.

B. STEEP SLOPE PRESERVATION - GOALS AND POLICIES

GOAL VI-A:

Preserve Del Mar's steep sloping hillsides and downstream resources.

Policies:

VI-1 Preserve and protect sensitive slopes and associated bluff and canyon areas and, their downstream resources through the application of the following Bluff, Slope and Canyon Overlay Zone Regulations.

BLUFF, SLOPE AND CANYON OVERLAY ZONE REGULATIONS

A. Purpose. The BSC Overlay Zone is designed to protect the health/ safety, and general welfare and to control the development of properties within the designated zone in order to preserve the scenic sandstone bluffs and related canyons and steep slopes which characterize the area within the zone. The overlay zone is also intended to protect downstream resources from the adverse impacts of erosion and sedimentation. These unique landforms provide visual relief and diversity within the City, and they define and separate neighborhoods and communities physically, thereby enhancing the overall quality of Del Mar's coastal environment.

The Bluff, Slope and Canyon (BSC) Overlay Zone is further designed to carry out the goals, objectives, and policies of the Community Plan, including, but not limited to, the applicable element of the Community Plan, the Bluff, Slope and Canyon Precise Plan.

B. Boundaries. The boundaries of the BSC Overlay Zone have been designated as shown on Figure VI-A.

C. Allowable Uses. Unless specified herein, allowable uses in the BSC Overlay Zone shall be those uses and accessory uses allowed by the underlying land use designation and zone specified in Figure II-A, subject to the regulations and restrictions of this Land Use Plan.

D. Application Submittals. In addition to the submittal requirements for all other permits/authorizations required, application submittals for projects located within the Bluff, Slope and Canyon Overlay Zone shall include, at a minimum:

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1. A slope analysis prepared by a licensed civil engineer which indicates the existing topography of the site shown in (minimum) two foot interval contours and an indication, through shading or other visible means, the areas of the property comprised of slopes of 25% grade or greater. Said computation of slope gradient shall be calculated between individual contour lines, rather than by averaging across multiple contour lines.

2. A calculation of the areas, expressed in square feet, or acres as appropriate, of each contiguous area of slopes of 25% grade or greater and the total area in such slopes as determined through the requirements of the slope analysis per subsection D-1 above.

3. A geological reconnaissance survey and preliminary engineering geology report. Said report shall include the findings of a subsurface investigation of those areas of the site wherein development is proposed and shall be sufficient to identify the nature and magnitude of any unstable conditions in such areas. The report shall also include any alternatives or mitigation measures necessary to offset unstable conditions or hazards.

Unless otherwise requested by the Planning Director, these submittal requirements shall not apply to new or redevelopment projects which clearly do not involve any potential for new grading, construction, or expansion of the footprint of existing structures into steep slope areas as defined herein or into the steep slope setback areas required pursuant to the provisions of this Land Use Plan. When waived by the Planning Director, the requirement for provision of this information may be subsequently reinstated by the responsible discretionary agency reviewing the project, at the time of such review.

E. Development Review. Within the BSC Overlay Zone, no building, improvement, structure, or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be excavated or graded for any purpose, including but not limited to in-ground structures such as swimming pools or spas, or cleared of vegetation, unless in accordance with this Land Use Plan and the following:

1. In order to preserve viewsheds and the open space appearance of the area from a distance, no structure shall exceed a height of 14 feet as measured pursuant to the provisions of the Del Mar Municipal Code unless it is found that scenic viewsheds and the open space appearance of the area will be less affected by structures of a greater height.

2. New development shall be sited and designed to minimize grading and alteration of natural topography and shall be subservient to and complement the natural topography of the area. Protection of the natural values of the surrounding topography and landscape shall take precedence over architectural values.

3. Construction, grading or other encroachment of any kind on substantial slopes exceeding twenty-five percent grade, or within twenty feet of the top and ten feet of the bottom of substantial slopes exceeding twenty-five percent grade or the construction of structures which overhang such slopes or slope setbacks, shall be prohibited, except when specific encroachments are allowed in accordance with the following policies. For purposes of this section, "substantial slopes" shall mean: Any areas of slopes with a gradient of 25% or greater on a site where the total elevation differential within such slope areas themselves is 20 feet or more, or where such slopes on site adjoin contiguous slopes of 25% or greater on adjoining property and together involve an elevation differential of 20 feet or more. "Substantial slopes" shall include smaller, isolated pockets of area with less than 25% grade when surrounded by contiguous "substantial slopes" located either entirely or partially on site.

4. Encroachments within the slope areas and steep slope setbacks specified above shall be allowed only when it is found that there is no feasible alternative siting or design which eliminates or substantially reduces the need for such construction or grading, and it is found that the bulk and scale of the proposed structure have been minimized to the greatest extent feasible commensurate with preserving the physical characteristics of the site. For purposes of this section, "encroachment" shall constitute any activity which involves grading, construction, placement of structures or materials, paving, removal of native vegetation (including clear-cutting for brush management purposes), or other operation which would render the area incapable of supporting native vegetation or being used as wildlife habitat. Any and all activities regulated through the subsequent paragraphs of this section, with the exception of paragraph 14, shall count toward the total steep slope encroachment allowance for a site. When clear-cutting on an existing undeveloped site is required by written order of the Del Mar Fire Department to protect an existing principal structure on an adjacent site, an exception to the encroachment allowances, not to exceed 30 feet from said principal structure, may be allowed.

Any encroachment into steep slope areas which is permitted pursuant to these findings shall be limited in extent by the following steep slope encroachment standards. The maximum allowable encroachment into slope areas, as specified below, shall not be considered as a right but shall instead be allowed only when it has been determined, pursuant to these regulations, that there is no feasible alternative to slope encroachment.

Percentage of project site in steep slope areas.	Maximum allowable encroachment into steep slope areas.
100% to 96% -----	20%
95% to 91% -----	18%
90% to 86% -----	16%
85% to 81% -----	14%
80% to 76% -----	12%
75% or less -----	10%

["Steep slope areas" are those areas composed of slopes of a gradient of 25% or greater, as determined through the slope identification process prescribed in subsection D-1 of these Bluff, Slope and Canyon Overlay Zone Regulations.]

When encroachments into steep slope areas are allowed consistent with the findings and maximum limits established above, the quantity of cubic yards of earth to be moved and the change in elevation associated with the proposed grading shall be subject to verification by the Planning Director in consultation with the City Engineer as being the least amount necessary to implement the project and provide services to the proposed structures.

5. Run-off from impervious surfaces shall be discharged directly into existing or new and adequately designed publicly-owned discharge and drainage systems which can be shown to have sufficient capacity to handle all anticipated drainage flows associated with the proposed project. In the event that no public discharge or drainage systems are available in the immediate vicinity, an alternate system may be allowed if it is found by the Planning Director in consultation with the City Engineer that such alternative will serve to convey such drainage and run-off to a clearly defined legal natural drainage course which can be shown to have adequate capacity to handle all anticipated drainage flows without adverse impact. All design and plans for drainage improvements shall be prepared by a licensed civil engineer and shall be subject to the review and approval of the City Engineer.

6. Construction, irrigation and landscaping shall harmonize with the natural as well as the man-made environment.
7. No primary scenic views or scenic views from public streets, roads or pedestrian trails shall be obstructed, unless it is found that there is no feasible alternative siting which eliminates or significantly reduces the obstruction. In such cases, the bulk and scale of the proposed structure shall be minimized to the greatest extent feasible, commensurate with preserving the physical characteristics of the site.
8. In order to maximize and preserve natural open space, natural landforms and views, projects involving more than one dwelling unit on a lot shall be clustered on the flatter portions of the site, if determined to be practicable and desirable. "Clustering" in this context shall mean the siting of dwelling units in proximity to each other so as to maximize the amount of undeveloped open space. A clustered project within this overlay zone may disregard existing interior lot lines and is not bound to comply with the minimum lot size, width, depth and setback provisions of the underlying Del Mar Zoning Ordinance. A suitable site plan showing the clustered proposal shall be submitted for subdivisions and multiple unit construction projects in this overlay zone.
9. Temporary and/or permanent erosion control measures shall be provided in order to control erosion both during and after project implementation. Where necessary to minimize sediment from runoff waters draining from the land undergoing development, sediment basins, debris basins, de-silting basins, or silt traps shall be designed and installed to the satisfaction of the City Engineer in conjunction with initial grading operations and maintained by the developer and/or property owner.
10. The removal of native vegetation, when allowed pursuant to the findings required in this policy, shall be limited to the minimal amount necessary to implement projects and shall be indicated on erosion control plans.
11. The protection of areas or vegetation designated for retention in their natural state shall be accomplished through the installation of protective temporary and/or permanent fencing around such designated areas prior to the commencement of grading and/or development activities on site. For protection of designated trees or other major vegetation, said fencing shall be placed so as to protect the root zones of the vegetation to be protected.

12. All native vegetation approved for removal shall be replaced with drought tolerant, fire retardant, native or naturalizing substitute vegetation of sufficient size and quantity to provide soil stabilization.

13. All private alleys and driveways within the Bluff, Slope and Canyon Overlay Zone shall be designed to follow the natural contours of hillsides so as to minimize cut and fill grading. In an effort to minimize grading, such alleys and driveways may incorporate innovative designs and dimensions subject to the review and approval of the City Engineer. To minimize destruction or damage of significant vegetation, alleys and driveways shall be designed to avoid major trees, with such trees to be retained in traffic islands where necessary.

14. Encroachment into steep slope areas shall be permitted for the construction of, or improvement to, public streets and alleys. Public streets and alleys within the Bluff, Slope and Canyon Overlay Zone shall be designed to follow the natural contours of hillsides so as to minimize cut and fill grading. In an effort to minimize grading, such streets and alleys may incorporate innovative designs and dimensions subject to the review and approval of the City Engineer. To minimize destruction or damage of significant vegetation, streets and alleys shall be designed to avoid major trees, with such trees to be retained in traffic islands where necessary.

15. Paths and trails which provide public access opportunities, shall be encouraged in hillside areas, when designed in such a fashion so as to minimize disturbance of areas of steep slopes and natural vegetation.

16. To protect the visual resources of hillside areas, the City shall encourage the undergrounding of all new utility lines and new utility line extensions for projects within the Bluff, Slope and Canyon Overlay Zone when such undergrounding would not be detrimental to the sensitive hillside areas or to themselves.

F. Grading Methodology and Practice. All development within the BSC Overlay Zone shall observe the following grading and landscaping policies:

1. All projects involving grading shall be subject to the submittal of an erosion and sedimentation control plan. Said plan shall insure that the project will not result in an increase in peak runoff from the site over the greatest discharge expected during a 10-year, 6-hour frequency storm. Runoff control

shall be accomplished by a variety of measures, including but not limited to: on-site catchment basins, detention basins, siltation traps and energy dissipators. Grades should be designed to produce runoff equal to or less than the natural flow expected prior to grading or construction activities, or shall direct any increased flows to improved drainage facilities and/or natural drainage courses, when such facilities or drainage courses are of adequate design and capacity to handle and all discharge and anticipated flows. The required erosion and sedimentation control plan and any proposals to increase flows shall be subject to review and approval of the City Engineer.

2. All erosion control measures shall be subject to detailed maintenance arrangements. Said arrangements shall assure the on-going repair and maintenance of approved control measures to assure continued and effective erosion control. The maintenance and repair of such measures shall be the responsibility of the applicant or their successors in interest. The agreements shall be secured prior to the release of permits and shall be recorded against the deed for the property.

3. For projects involving a total of more than 25 cubic yards of cut and/or fill grading operations, no grading shall occur from November 15 to March 31.

4. All grading and cut and fill areas shall be landscaped either during or immediately after construction to prevent erosion and to increase slope stability.

G. Retained Open Space/Conditions of Development. Areas to be retained in their natural state pursuant to the application of these Bluff, Slope and Canyon Regulations shall be subject to conditions to ensure the protection of the designated area(s) from future encroachment, disturbance or degradation. Said conditions shall include the recordation of an open space deed restriction, conservation easement or open space easement to assure protection of the designated area and to serve notice to the property owner, subsequent owners or interested parties of the restrictions in effect on such property.

H. Clearance of Vegetation/Fire Safety. The clearance of vegetation on existing, developed legal lots, when required pursuant to a written order from the Del Mar Fire Department in order to protect public health and safety, shall not be subject to the provisions of this Chapter. When so ordered, said clearance of vegetation shall be verified as being the minimal amount necessary to provide protection of public health and safety. The clearance of vegetation shall be limited to: The selective removal of vegetative growth through normal trimming,

cutting and mowing operations, pruning and thinning by hand, without grading or disturbance of soil or root systems. Clear cut vegetation removal for brush management in association with new development or redevelopment shall be considered encroachment pursuant to this chapter. Selective clearing under this exemption shall not allow the wholesale clearing or cutting of existing vegetation to a uniform height.

C. WETLANDS - GENERAL BACKGROUND

Wetlands are among the most productive natural resources. However, the economic and environmental values of wetlands have been widely ignored in the U.S. until only the past few decades. This follows more than a hundred years of draining, dredging and filling of wetlands to "create" developable agricultural and urban land. These activities were followed eagerly in California from its earliest days, degrading or eliminating over ninety percent of the state's wetlands by the 1980's. This was especially true for coastal wetlands in southern California. In 1850, when California became a state, it enjoyed five million acres of wetlands, mostly in the Central Valley and Sacramento-San Joaquin Delta. By 1982, only 450,000 acres of wetlands remained. Federal and state agency actions to halt wetland loss have met with only limited results.

Wetlands can be defined succinctly as land which may be covered periodically or permanently with shallow water. Wetlands have gradually been recognized for their significant contribution to California's economy by providing nursery and habitat areas for fish and wildlife. They also protect water quality by removing excess nutrients; preserving flood and sediment control areas; and creating educational, research, and recreation areas. Wetlands have also begun to be recognized for the inherent beauty of the flora and fauna that thrive within them.

Wetland acquisition for conservation purposes is the most effective long-term, permanent solution to concerns over loss of wetland habitat. The public acquisition of former wetland areas which may be (re)converted to wetland status, along with regulation in support of wetland enhancement and restoration, are also solutions to this problem. Restoration and rehabilitation of former wetlands is critical to increasing the acreage of wetland areas. However, it is equally important that new projects be designed and implemented to preserve and protect existing resources.

D. WETLAND PRESERVATION - GOALS AND POLICIES

The City of Del Mar contains two areas of concentrated wetland habitat. One area, part of the Los Penasquitos Lagoon, lies to the south of Carmel Valley Road in the southern portion of the City. Only a small portion of the wetland habitat itself lies within the City's boundaries. However, a larger area of adjacent upland habitat, so important for the continued flourishing of wetland areas, does lie within the City limits. For purposes of this chapter, the small pockets of riparian habitat, located in this area, just above the Los Penasquitos Lagoon, have been considered as "wetlands".

The majority of the City's wetland areas lie within the San Dieguito Lagoon/River system located, in part, within the northeast quadrant of the City. The San Dieguito Lagoon lies at the western terminus of a continuous river system which begins some 53 miles to the east in eastern San Diego County.

Portions of the San Dieguito Lagoon were the subject of a major enhancement plan funded and implemented through the cooperative efforts of the Cities of Del Mar and San Diego, the State Department of Fish and Game and the Coastal Conservancy. The plan, entitled The San Dieguito Lagoon Resource Enhancement Program, is attached as Appendix B of this Land Use Plan. It contains policies and recommendations for the continued preservation and enhancement of the lagoon system. That lagoon system includes not only the lagoon wetlands themselves but the river valley to the east and the adjacent upland area, some of which lies within the City's boundaries. The wetland areas of both the Los Penasquitos Lagoon and San Dieguito Lagoon are in a combination of public and private ownership.

GOAL VI-B:

Preserve, protect and, where feasible, enhance the wetland areas of Del Mar.

Policies:

- VI-3** Ensure the protection of the wetlands of the Los Penasquitos Lagoon and San Dieguito Lagoon and their sensitive upland habitat by requiring that all development activities taking place in lagoon and uplands areas, designated on the Lagoon Overlay Zone Map (Figure VI-B), conform to the wetland preservation regulations of this chapter. In addition, the City shall implement the Bluff, Slope and Canyon Overlay Zone regulations of this Land Use Plan to protect sensitive wetland habitat from the impacts

of upland development which lies outside of the Lagoon Overlay Zone but within the watershed of San Dieguito and Los Penasquitos Lagoons.

WETLAND PRESERVATION REGULATIONS

1. Definitions. For purposes of this chapter, "wetlands" and "wetland buffers" shall be defined as follows:

"Wetlands": All lands which are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or where the land is periodically covered by water. All lands having one or more of the following attributes are "wetlands":

- a. Lands which, at least periodically, support predominantly hydrophytes (plants whose habitat is water or very wet places);
- b. Lands in which the substratum is predominantly undrained hydric soil; or
- c. Lands in which the substratum is non-soil and is saturated with water or covered by water at some time during each year.

[This definition of wetlands is consistent with the wetland definition criteria established by the United States Fish and Wildlife Service and the California Department of Fish and Game.]

"Wetland buffer": Lands which provide a buffer between human development/activity and wetland areas and which serve to protect the environmental and functional habitat values of the wetland, or lands which are integrally important in supporting the full range of the wetland and adjacent upland biological community.

2. Permitted Uses in Wetlands. Permitted uses in wetland areas shall be limited to the following uses and activities, provided that the implementation of such uses or activities does not involve grading, filling, construction or placement of structures within the boundaries of wetland areas as determined pursuant to the policies of this chapter:

- a. Aquaculture, provided that it is carried out in such a manner so as to avoid any adverse impacts to the water quality or the biological productivity of the wetlands.
 - b. Scientific research, educational or recreational uses, provided that they do not involve adverse impacts to the natural ecosystem.
 - c. Wetland restoration projects where the primary function is restoration of wetland habitat.
3. Permitted Uses in Wetland Buffer Areas. Permitted uses in wetland buffer areas shall be limited to:
- a. Passive recreational access paths and viewpoints within the upland half of the buffer, only when designed to assure no adverse impacts to adjacent wetland areas. An exception to allow access paths or viewpoints within the lower half of the buffer may be permitted where there is an elevation difference between the buffer and wetland resources of at least ten feet, or where an existing accessway/viewpoint present will be formalized. Any such permitted new access trail or viewpoint shall be set back at least ten feet from the edge of the bluff/slope. No armoring or reinforcing to either construct or maintain such a trail or viewpoint will be permitted.
 - b. The placement of improvements necessary to provide protection, preservation or enhancement of adjacent wetland areas. Such improvements shall be located within the upland half of the buffer only, and may include, but are not limited to fencing, creation of landscape berms and placement of signage related to scientific, educational or recreational uses.
 - c. All uses permitted in wetland areas.
4. Application Submittals. Applications for development of property which includes, or lies in proximity to wetland areas as designated on the Lagoon Overlay Map (Figure VI-B) shall include topographic and vegetative maps as necessary to delineate the wetland boundary. The determination of the boundary of wetland areas shall be included as an overlay to a required topographic map and shall be prepared by a qualified professional(s) in the fields of biology and hydrology. The California Department of Fish and Game

and the United States Fish and Wildlife Service shall be consulted in such determinations.

5. Provision of Wetland Buffers.

- a. To protect wetland areas, All new construction projects which are located on property which includes or lies in proximity to wetland habitat, as shown in Figure VI-B, shall include the provision of a continuous wetland buffer. The buffer shall be 100-feet in width with permitted uses in the wetland buffer limited to those cited in Wetland Regulation #3 of this Chapter. The buffer shall be measured landward from the boundary of wetlands as delineated pursuant to the requirements of this chapter.
- b. A wetland buffer of less than 100 feet in width shall be allowed only when, due to physical constraints such as the size and dimensions of the property, such buffer of a lesser width will protect the resources of the adjacent wetlands, based on site-specific factors. Such factors shall include, but not be limited to, the type and size of the development proposed; mitigation measures provided (such as planting of vegetation or construction of fencing); elevation differentials between the proposed development and wetland boundaries; or other similar factors which will serve to contribute to the purposes of a wetland buffer area. Proposals for mitigation measures for wetland buffers less than 100 feet in width shall be referred to representatives of the California Department of Fish and Game for a recommendation. In no event shall the wetland buffer be less than 50 feet in width.

The provision of a wetland buffer of less than 100-feet in width which, pursuant to this policy, has been authorized for one aspect of a development proposal, shall not be construed as an authorization to provide a buffer of less than 100-feet in width for other aspects of such proposal which have not been specifically enumerated in the required findings set forth herein.

6. Retained Open Space/Conditions of Development. Areas to be retained in or restored to their natural state pursuant to the application of these wetland preservation regulations shall be subject to conditions to ensure the future protection of the designated area(s) from encroachment, disturbance or degradation. Said conditions shall include the recordation of an open space deed restriction, conservation easement or open space easement on wetland buffer areas and an irrevocable offer to dedicate open space easement to assure

protection of the designated wetland area and to serve notice to the property owner, subsequent owners or interested parties of the restrictions in effect on such property.

The transfer of fee title of wetland areas to an appropriate agency shall also serve to satisfy the requirements of this section. The City shall encourage and coordinate such transfers of title to the appropriate public agency.

7. Siting and Construction Practices. All buildings or other improvements proposed to be placed or erected, and all grading activities proposed to be undertaken adjacent to wetland or wetland buffer areas shall be located so as not to contribute to increased sediment loading of the wetland or wetland buffer, cause disturbance to its habitat values, or otherwise impair the functional capacity of the wetland or wetland buffer.

8. Drainage and Erosion Control. All development activities on project sites within the Lagoon Overlay Zone shall be subject to conditions for the provision of measures to minimize and control runoff and the associated erosion and sedimentation of downstream areas. Runoff from developed sites shall be either directed towards existing storm drain systems or retained on-site in settling ponds or other drainage/erosion control measures. Where, due to factors of topography, neither direction of runoff into storm drain systems nor retention on site is possible, runoff shall be appropriately discharged at non-erosive flows and velocities through the use of energy dissipation devices;

All development within the Lagoon Overlay Zone shall comply with the following erosion control measures:

- a. The applicant shall provide a grading plan prepared by a registered civil engineer that incorporates runoff and erosion control procedures to be utilized during all phases of project development.
- b. The grading plan shall be designed to assure that there will be no increase in the peak runoff rate from the fully developed site over the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during the six-hour, ten-year design storm.
- c. Runoff control shall be accomplished by establishing on-site or at suitable locations nearby, catchment basins, detention basins, and siltation traps

along with energy dissipating measures at the terminus of storm drains, or other similar measures of equal or greater effectiveness.

- d. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed in conjunction with the initial grading operations and maintained through the development process as necessary to remove sediment from runoff waters draining from the land undergoing development. Areas disturbed but not completed prior to November 15, including graded pads and stockpiles, shall be suitably prepared to prevent excessive soil loss during the rainy season.
 - e. The use of vegetation as a means to stabilize soils and control site erosion shall be accomplished pursuant to plans and specifications prepared by a licensed landscape architect or other qualified professional.
 - f. All graded slopes shall be stabilized prior to November 15, by the planting of vegetation. Vegetative erosion control may include but is not limited to, seeding, mulching, fertilization, and irrigation within sufficient time prior to November 15 to provide landscape coverage that is adequate to achieve the provisions of this policy.
 - g. For projects involving a total of more than 25 cubic yards of cut and/or fill grading operations, no grading shall occur from November 15 to March 31.
 - h. Temporary erosion control measures, shall include the use of berms, interceptor ditches, sandbagging, hay bales, filtered inlets, debris basins, silt traps, or other similar means of equal or greater effectiveness.
9. Where the provision of erosion and/or drainage control measures is required pursuant to the policies of this section, the responsibility for maintenance for such measures shall rest with the applicant unless such responsibility is assumed by another agency or party found acceptable by the Planning Director. The responsibility for maintenance and a detailed maintenance program shall be included in an agreement(s) recorded against the deed for the property. The arrangements shall provide for the on-going repair and maintenance of approved control measures to assure continued effective erosion/drainage control. The agreements, and any associated cash deposits, bonding or letters of credit deemed necessary to assure on-going maintenance shall be secured prior to the release of permits.

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10. Runoff from the projects within the Lagoon Overlay Zone shall be controlled and directed to ensure that neither toxic materials nor excess nutrients flow into lagoon areas.

11. New or redevelopment projects within the Lagoon Overlay Zone shall include the retention of the maximum amount of native vegetation on the site. Revegetation of sites within the Lagoon Overlay Zone shall include the use of non-invasive, drought tolerant species native to the San Diego coastal region and which are compatible with adjacent wetland habitat species. Landscape plans including their associated berms, planters and fences shall also be designed to minimize the disruption of view corridors from public roadways and parks.

VI-4 To protect the biological and visual resources of wetland areas, the City shall encourage the undergrounding of all new utility lines and new utility line extensions for projects within the Lagoon Overlay Zone when such undergrounding would not be detrimental to the wetlands or to the sensitive resources located in the upland areas adjacent to such wetlands.

VI-5 The following policies shall apply only to those properties located immediately adjacent to and west of the AT&SF Railway right of way between 28th Street and 21st Streets as shown on Figure VI-C.

- a. All new construction projects shall maintain the minimum interior side-yard setbacks specified in the Del Mar Municipal Code for the eastern sides of the properties, those closest to the AT&SF Railway right of way.
- b. Landscape plans shall be provided in all new construction projects. Said plans shall include the provision of a landscape buffer between the structures located on the site and the eastern property line(s). The plant species indicated on such plans shall be reviewed for their compatibility with the wetland habitat located on the property to the east, the AT&SF Railway right of way.
- c. Drainage plans shall be provided in all new construction projects. Said plans shall be reviewed to assure that runoff and drainage from the site is appropriately collected and discharged to avoid erosion and sedimentation and to ensure that neither toxic materials nor excess nutrients flow into adjacent wetlands.

- VI-6** The viewsheds of the San Dieguito and Los Penasquitos Lagoons shall be preserved and protected through the application of the following criteria into the design of new and redevelopment projects within the viewshed areas of the San Dieguito and Los Penasquitos Lagoons, respectively.
- a. Compatibility of design with the existing and desired character of the surrounding area;
 - b. Recognition of views, climate and the nature of outside activities in the design of exterior spaces;
 - c. Design of buildings to be subservient to the natural terrain; and
 - d. Consideration of views from the lagoon and the surrounding roadways in the landscape and structure design.

The review of projects within the specified viewsheds shall be conditioned to ensure continued conformity with the criteria listed herein. Such conditions shall include but are not limited to recorded view corridor easements or restrictions.

- VI-7** The City shall continue cooperation with other local, State, and Federal agencies in the implementation of the San Dieguito Lagoon Enhancement Program and the Conceptual Plan for the Expanded Enhancement Program described in Appendices B and C, respectively.

Pacific Ocean


BLUFF, SLOPE AND CANYON
OVERLAY ZONE

City of Del Mar

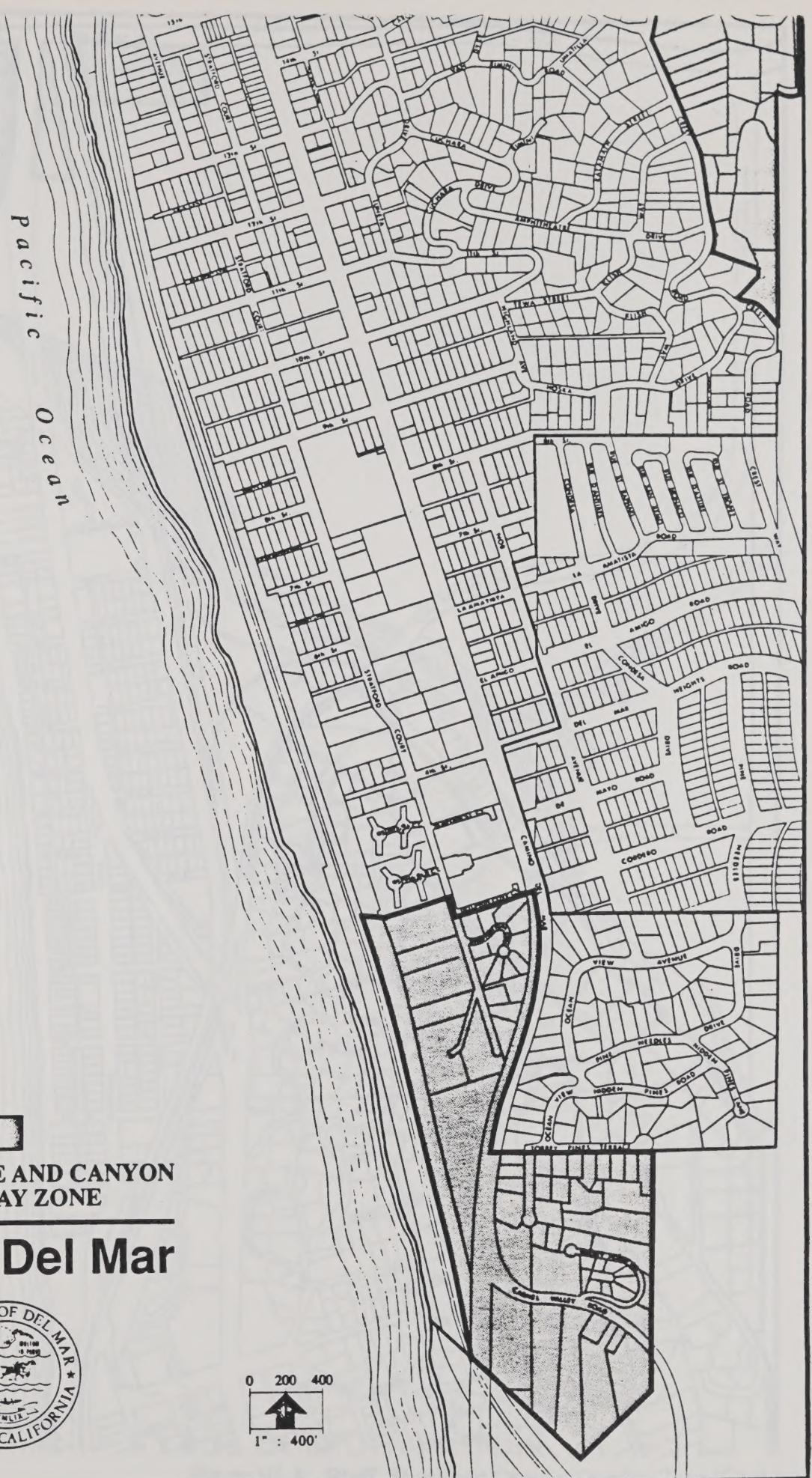
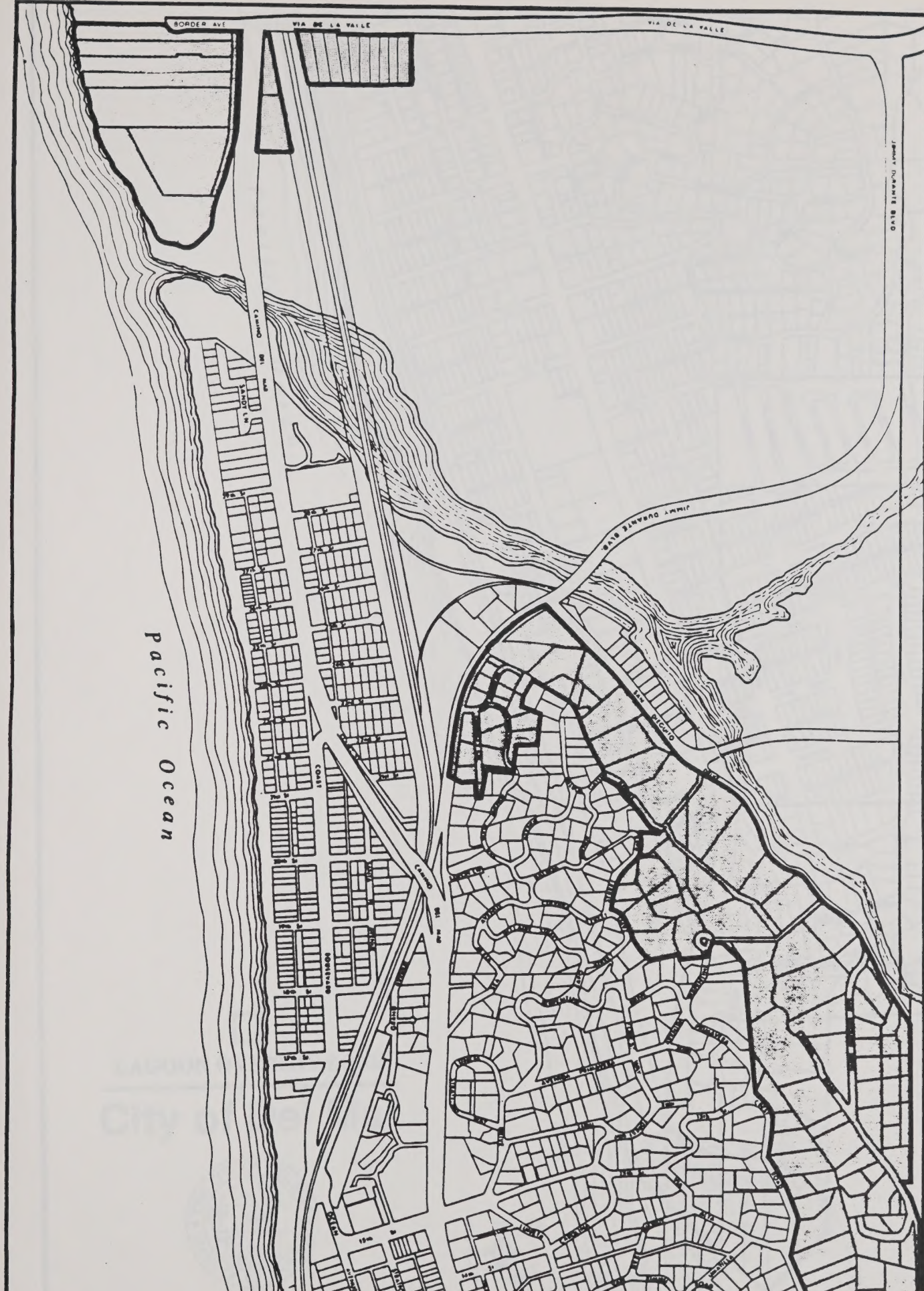


Figure VI-A Bluff, Slope and Canyon Overlay Zone





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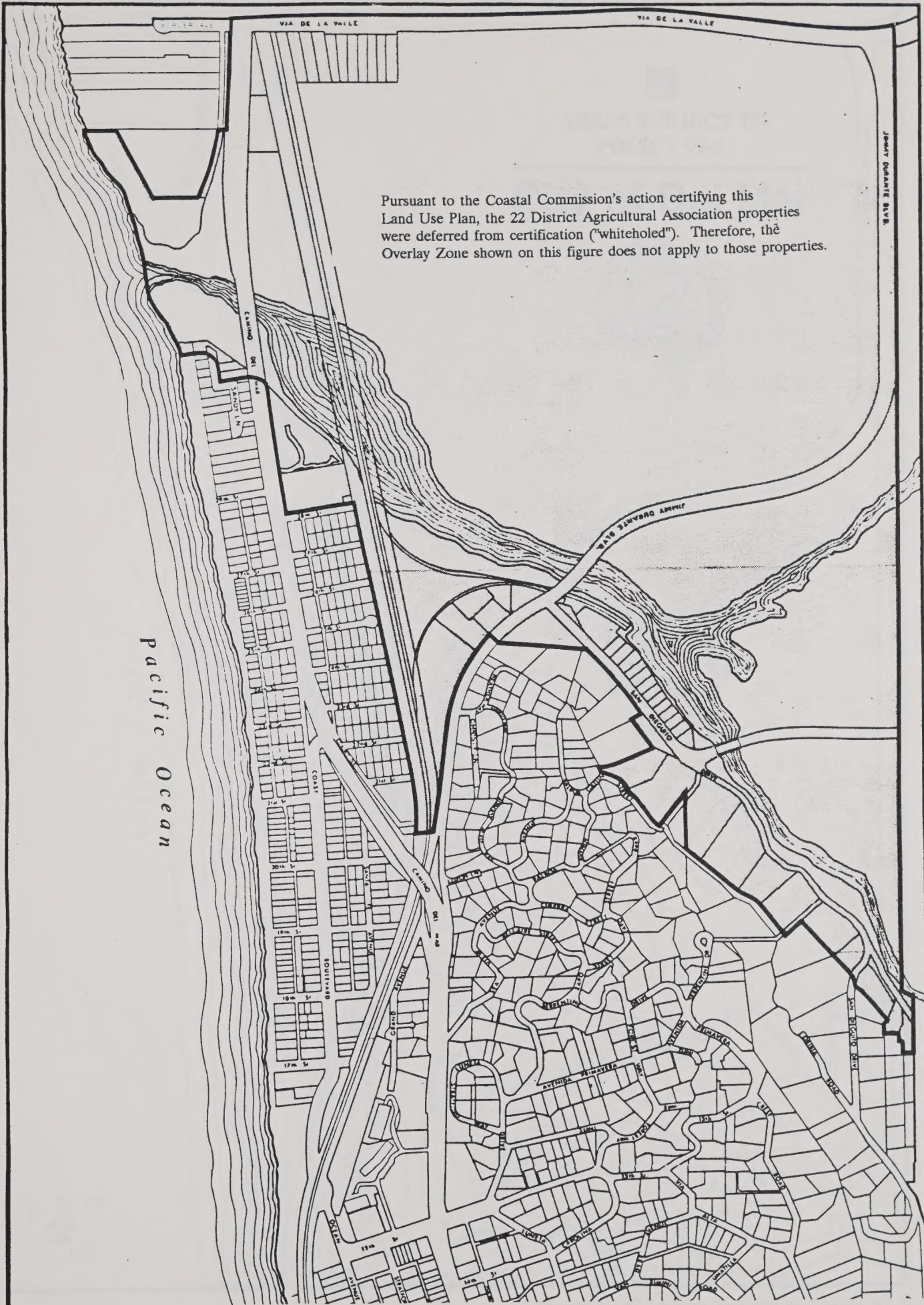


Figure VI-B Lagoon Overlay Zone (Cont.)

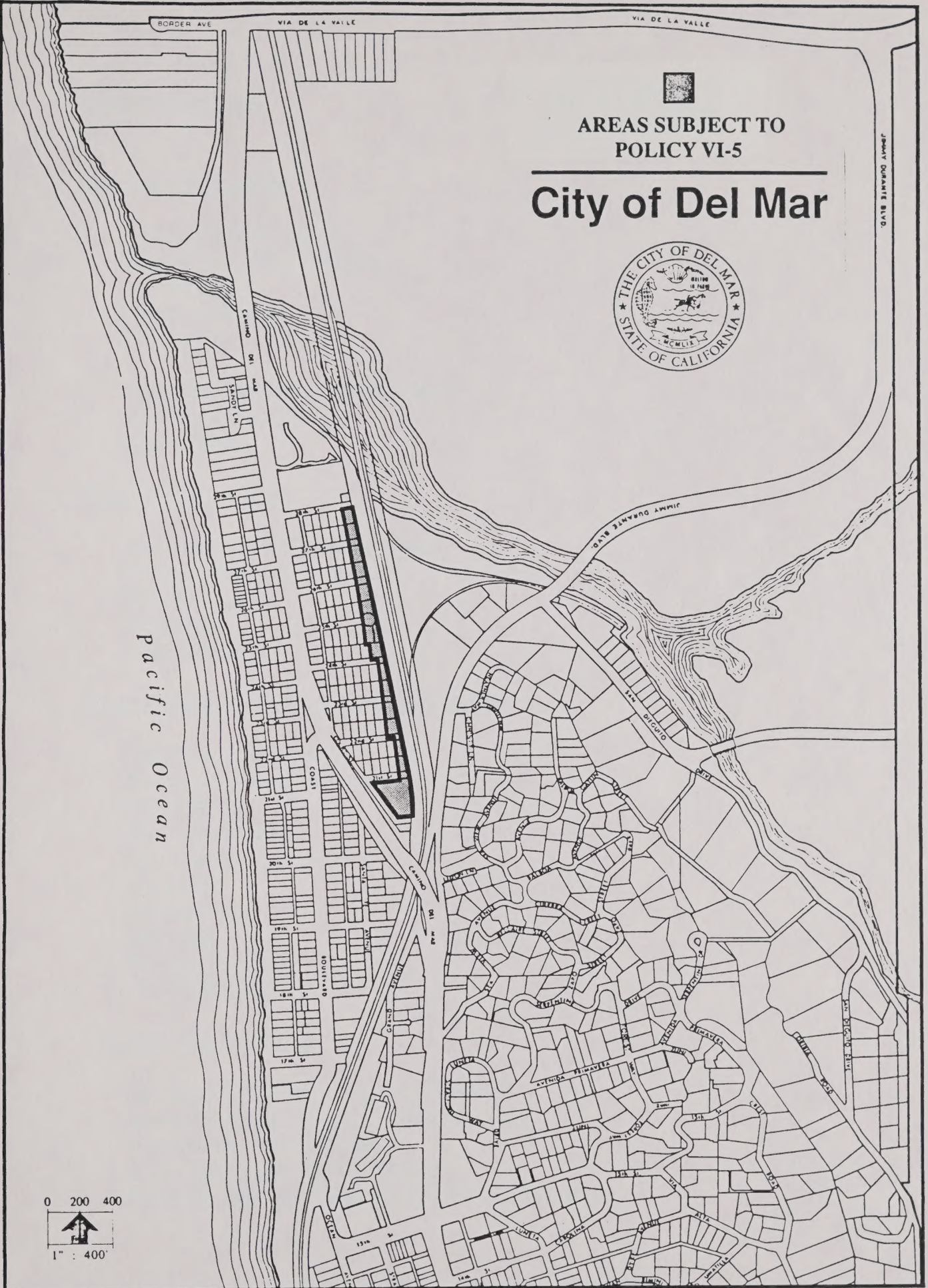


Figure VI-C Areas Subject to Policy VI-5

U.C. BERKELEY LIBRARIES



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City of Del Mar



Acknowledgements

Del Mar City Council

J. Rod Franklin, Mayor
Elliot Parks, Deputy Mayor
Jan McMillan
Henry Abarbanel
Ed Colbert

Jacqueline Winterer, Deputy Mayor
Gay Hugo-Martinez
Chris Helton

Planning Commission

Deborah Isackson-Groban, Chair
Barbara Stegman, Vice Chair
Ken Aubuchon
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John Giebink
Alice Goodkind
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Joe Jelley
Marshall Ross
Ray Jung
Barbara Stegman
Gill Williamson

Del Mar City Hall Staff

Lauraine Brekke-Esparza, City Manager
James Sandoval, Director of Planning and
Community Development
Adam Birnbaum, Senior Planner
Mercedes Martin, Planning Department Secretary

